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THE BEHRING SEA QUESTION.

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THE islands of St. Paul and St. George in Behring Sea, known as the Pribyloff Islands, were transferred to the United States by Russia in 1867 as part of the Alaska purchase. These two islands are the only places inhabited by the seal in Alaskan territory. Across Behring Sea,* near the Siberian coast, and distant seven hundred and fifty miles due west from the Pribyloff Islands, is another group known as the Commander Islands, belonging to Russia, which are also inhabited by seal. No other seal-colony of any size exists in the North Pacific. The two herds inhabiting these two widely-separated groups of islands, one American, the other Russian, never mingle with each other, either on the islands which form their respective habitations, or in the adjacent waters, but each herd maintains and has always maintained its separate and distinct existence. There is no record of the killing of a seal belonging to the Commander Islands upon the isles of Pribyloff. The members of the two herds are readily distinguished by their skins, that of the American seal being of a higher quality and worth about twenty-per cent. more in the market. The difference is well established and fully recognized, although its cause has never been ascertained. It may be due to the variations of climate, to a difference in the tempera-

* So named from Vitus Bering or Behring, who discovered it in 1728.

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ture of the neighboring waters, to some peculiarity in food, or to all these combined, but whatever the causes they must have operated for generations to produce the marked difference in the animals, which is conclusive evidence of the absolute separation of the two herds, and serves to identify the members of each herd beyond the possibility of question.

Why the American seal should have selected these two remote islands in the waters of Alaska for its home, *and no others*, cannot be positively stated. Delighting in fog, but unable to endure either ice or sun, the animals have doubtless been influenced in their choice by the fact that the islands are almost continously enveloped in fog from May to November; that they are free from ice during the breeding season; that a large portion of their surface is covered by ledges of smooth, bare rock, and that their shores consist of gentle slopes, giving easy access from the water, and making a beach on which the young seal can live while learning to swim. Whatever the reasons, the fact is established that these two islands are the only home of the American seal in these waters, that it has never been known to breed on any other land, and that it occupies them for about eight months each year.

The fur seal is *sui generis*. It is a warm-blooded, fur-bearing, highly-organized animal, classified by naturalists with bears, dogs, cats and other carnivorous mammals. It is essentially a land animal. It can and does at times live in the water, but it is not a fish and has none of the characteristics of the fish. Among fishes it is most nearly allied to the whale, which also belongs to the family of mammalia; but unlike the whale, which is begotten, born and reared in the water, and which perishes when removed from its native element, the seal is begotten, born and reared on the land, and but for its life on the land the species would become extinct. This period of land habitation lasts from six to eight months continuously. During this time the seals only visit the sea for short periods, for food. Some of them do not leave the island at all, even for this purpose, and if a lagoon existed, or a tank could be built that would hold enough fish to supply their wants they would not need to go to sea at all. The seal may, therefore, be accurately described as a land animal whose food is found in the sea.

The breeding season of the seal is in summer. The animals are then at their home on the islands. Here procreation takes

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place. The period of gestation is between eleven and twelve months, during the second half of which the herds are at sea. The approach of its completion finds the mothers again returning to the islands ready to give birth to their young as soon as they reach their summer home. Shortly after the birth and while they are still nursing their off-spring, they again become pregnant with the young that will be born in the following season, and this process of reproduction is repeated year after year with unvarying regularity.

During the winter months the seal of the Pribyloff Islands, male and female, old and young, make an annual excursion into the North Pacific Ocean south of Behring Sea, and from this point they disperse widely to the south and east. The extent of this annual dispersion is not known, nor do we know its cause. What we do know is that it takes place each winter and lasts until the late spring. When this time arrives the scattered animals, by a natural and invariable instinct, converge from all directions, and gathering in one vast herd in the waters of the North Pacific south of the Aleutian Islands pass through the straits between those islands, and make their way together to the Pribyloffs. In this annual return of the herds to the northward, the older bulls assume the lead, and reach the islands about May 5th. As they arrive they choose their positions on the rookeries, and there await the coming of their mates. The cows, heavy with young, follow them closely, the first arriving about June 10th; and by the fifteenth of the following month the entire herd has again assembled on the islands.

In company with the well-grown bulls and cows come the younger animals, the product of the herd during the past six years. The males do not reach maturity until six or seven years of age, and these young males, together with the yearling females, take up their abode by themselves on what are known as the "hauling grounds," quite apart from the rookeries, or breeding places. None of these young males are allowed by their elders to come upon the rookeries until they are fully matured, and not even then, unless they may be able to overcome in single combat some old bull whose fighting powers have been weakened by age. They must conquer their places, and with all alike, old and young, the warfare of the rookeries means the survival of the fittest.

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The young are dropped soon after the mother reaches the land, sometimes within a few hours, sometimes after one or two days. As soon as this is accomplished the mother passes immediately into heat and again becomes pregnant. For about four months after birth the young seal is nursed, receiving during this time nothing but its mother's milk, which it takes once every two or three days. All this time it remains wholly on the land. It is curious and significant that the young seal is not a natural swimmer, and that if thrown into the water on its early visits to the beach it will drown—a strong confirmation of the fact that it is by nature a land animal. When about two months old it goes down to the shore and plays in the surf, gradually learning to swim. At four months it has progressed so far that it can go in pursuit of food, but even then, and for a considerable time after, it is a clumsy swimmer.

Except the full-grown bulls, which can go without food for a long period, and the nursing young, all the seals feed in the sea during their residence on the land. Every two or three days they make a brief excursion into the waters in search of food. It is a perpetual coming and going. How far these excursions extend is not definitely known. But as the seals, after a year or two of experience, can swim easily from ten to twelve miles an hour, and as it is known that the mother seal is often away from one to two days, it is certain that they swim off as far as a hundred miles from the islands in search of food. Apart from the inherent difficulty of finding enough to sustain the life of a million animals in a zone of twenty-five to thirty miles from the islands, the fact of these long excursions is susceptible of proof. A correspondent of the *New York Herald*, writing from one of the poaching vessels last summer, states that a mother seal was killed more than a hundred miles from the islands, and her udder was found full of milk. Compelled to find food not only for themselves, but to meet the extra drain made upon them in nourishing their young, the mothers go into the sea far more frequently than the other members of the herd, and are therefore much more exposed to the attacks of poachers.

The seal rookeries on the islands of St. George and St. Paul are the largest in the world. Here the business of breeding, raising to maturity, selecting the male seals for slaughter at the age and season when the fur is of the most value; of curing, pre-

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serving, shipping and marketing the skins has been carried on for nearly ninety years. It was founded by the Russians in 1804, and was carried on by them until 1867, when the islands, together with the business, were transferred to the United States as part of the Alaskan purchase, for which the latter government paid the sum of seven million dollars. This government soon after the transfer, in the exercise of its rights as owner, assumed by an express statute the control and conduct of the business. By this statute the Secretary of the Treasury is authorized to prescribe the number, age and sex of the seals that may be slaughtered. During all this time the business has been carried on in substantially the same manner as any other successful breeding establishment. The methods in use on the Pribyloff Islands are almost identical with those of the ranchmen upon our Western plains. On the ranch the cattle roam at will, finding food where best they may until the annual round-up, when the ranchman selects from the herd those which he desires to market, retaining such as are necessary for the increase of the herd, or for continued growth and profit. At the annual round-up of the seals, which lasts from June to October, the young males of from two to five years of age which are still immature for purposes of breeding, and hence known as bachelors, are selected for slaughter. At this age, though useless for procreation, their fur has reached its highest quality, and brings the highest price in the market. During part of the months of August and September, however, the fur temporarily loses its best quality, and no seals are slaughtered.

No females are allowed to be killed on the islands. All are preserved for the increase of the herd, for it is upon the number of females that this increase mainly depends. The cow bears but one calf a year, while the bull, as a rule, serves as many as fifteen cows in a season, and may serve twenty or thirty. For keeping up the numbers of the herd, therefore, one male suffices for at least fifteen females. The killing of a single female means the cutting off of one young seal a year from the natural increase of the herd during the natural term of the mother's life. The killing of fourteen out of every fifteen males would involve no diminution whatever of the annual increase.

In selecting animals for the market, the men employed on the work go among the bachelor seals and, choosing the proper number from the great body that lie huddled together upon the

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hauling-grounds, drive them to the place where they are to be slaughtered. They are killed in the open field with clubs, and the thousands of their companions in the immediate presence of whom the work is done, make no effort to escape or run away. The United States could, in this way, destroy in a single season every one of the seals on the island.

The seal industry gives employment on the islands to about one hundred men, the permanent population entirely dependent upon it for support consisting of from fifty to sixty families. To supply them with fresh meat, the Secretary of the Treasury permits the slaughter of not exceeding five thousand young seals yearly. The business thus conducted by the United States is a source of great profit. Its successful prosecution requires large capital, great energy, and skill. If the seal herds can be preserved for the next century under the conditions that existed down to 1885, it is a low estimate to place the value of these two islands at thirty millions of dollars. With the seal exterminated, they are of no value whatever.

During all these successive summers, in which, for ninety years, the business has been prosecuted, the seal has fed in the sea, and it has been permitted to come and go without let or hindrance. No substantial interference with the industry occurred prior to 1886, when a few Canadian poachers for the first time openly entered Behring Sea for the purpose of hunting the seal found in the waters surrounding the islands. This practice has continued ever since with steadily-increasing activity. The poachers respect neither age nor sex, slaughtering alike male and female, young and old. As the breeding bulls do not leave the islands, it is upon the females that this indiscriminate killing tells most heavily. The death of each mother means the extinction of three lives, her own and those of the new-born calf awaiting her return on the island, and of the unborn offspring which has only lately been conceived. Thousands of the calves die annually because their mothers are ruthlessly slaughtered while searching for food that is to give them strength to nurse their young. It is a yearly-recurring massacre of mothers and their little ones, for the commercial profit of the poachers, and it is rendered tenfold more fatal to seal life by the method in which it is pursued. For it must be remembered that these seals are killed not by clubbing, or harpooning, or catching with a

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hook, but by the simple process of shooting them as they are seen at the surface of the water. Hence vast numbers of those shot are lost, and the number taken represents but a small part of the number killed. The enormous destruction of seal life that results from this barbarous and reckless practice can only be guessed at. If the number taken by the poachers can reach over twenty-eight thousand, as it did in 1891, what must be the number of those that were killed and left behind? It is said that they lose five out of every six shot. The depredations of 1886 and the following years reduced the number allowed by the lease to be killed on the island from a hundred thousand to sixty thousand, and of this number only twenty-one thousand could be killed in 1890. Already we are advised that sixty-seven vessels are ready to engage in their unlawful work during the coming season, as against forty-nine last year. Unless this poaching can be suppressed the extermination of the seal at an early date is certain.

It is obvious that the United States has an immense interest at stake in the future of the fur seal. It is obvious, also, that the preservation of the species is an interest in which not only the United States, but all mankind, are directly concerned. But the question we are now considering is not one of interest; it is solely a question of right, and it should be approached impartially with the single object of determining with certainty what are the rights of the parties in the matter. The questions to be considered, are:

First—What right of property has the United States in the fur seal of the Alaskan Islands?

Secondly: In what way and to what extent can this property right be protected and enforced.

There can be no question that the seals while on the Pribyloff Islands are the property of the United States. The law of nature fixes an inchoate property in all animals *feræ naturæ* in the owner of the territories where they are found. The right is said to exist *ratione soli*—the owner of the soil is the owner of the animal. This principle found expression in the Roman law, which, although it held in general that wild beasts are the property of the taker, allowed no man to hunt upon another's ground, except by consent of the owner of the soil. It found similar expression in the Danish law of England, which was traced directly

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to the Scandinavian law of the Continent, and which gave to the owner of the land the exclusive right to take wild animals thereon. The same rule was adopted in the Saxon laws that preceded the Conquest, and such would appear likewise to have been the doctrine of the common law.

We have spoken of this as an inchoate right because, although it was exclusive enough on the territory, the nomadic habits of wild animals gave it a merely transitory character, unless, in some way, the ownership was asserted. An animal that wandered hither and thither, having no fixed connection with the locality, now on one man's land and now on that of another, equally incapable of identification on either, could only be said to be owned at the moment when it was caught and killed, for its ownership depended upon the place where at this moment it happened to be. Some further element was necessary to vest a complete title to the animals while still living, and to separate either in principle or in fact the wild beasts which roamed at large in the forest from those which the proprietor of the land could claim as the subject of a fixed and well-defined property right.

This additional element was found in the idea of reduction to possession, which, when united to the inchoate right vested, *ratione soli*, in the proprietor of the land, gave a complete title. The reduction to possession took an infinite variety of forms. It might arise from the grant of the sovereign, from the act of the lord of the soil, or finally from the act of nature. Thus under the game laws so long in force in England, the crown granted to individuals certain franchises or rights of hunting known under the name of chase, park, free warren, etc. Here it was the act of the sovereign. Again, it might arise from a man's own act, as by making an inclosure and confining the animals within it, as deer in a park, pheasants or partridges in a mew, or hares or rabbits in a warren; or by employing keepers, to whom the animals were a direct and peculiar charge. In fact, actual confinement, by an inclosure, or otherwise, was not necessary to establish this reduction to possession, by which ownership was rendered complete. Thus doves or pigeons, living in a dovecote on the land, were held to be reduced to possession, although free to go and come and to fly hither and thither as they pleased. In this case mere residence or having an abode on the land was a sufficient reduction to possession. In the same way bees, although

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rightly classed by jurists as animals *feræ naturæ* have for hundreds of years been regarded as the property of him upon whose land they are hived, to be sold and transferred by delivery like the horse or the ox; and this, solely because their home is fixed upon his territory. The bees, like the doves and pigeons, are free to wander in search of flowers to feed on, but are none the less reduced to possession, so as to be, to the fullest extent, the subject of property. The same may be said of the hawks, formerly used in the sport of falconry.

In determining what constituted possession, the law in many cases gave effect to what was, in reality, little more than a bare assertion of ownership. As in the case of the deer, mentioned by Blackstone, "that is chased out of my park or forest and instantly pursued by the keeper or forester," these remain "still in my possession, and I still preserve my qualified property in them." In some cases the act of reduction was merely symbolical, as by putting on a mark, like the delivery of a twig or a clod of earth which constituted livery of seisin or possession at common law. Thus Blackstone says:

> "If a deer, or any wild animal reclaimed, hath a collar or other mark put upon him, and goes and returns at his pleasure; or if a wild swan is taken and marked and turned loose in the river, the owner's property in him still continues, and it is not lawful for any one else to take him."

So far have the courts carried the principle of what may be called constructive reduction to possession that, in a case cited by Chitty, an action was maintained against one who by firing guns near the decoy-pond of another, frightened away the wild fowl resorting there. In this case the wild fowl, for whose loss the owner of the land could sue, had not been captured; they had not even been brought within the actual power of the plaintiff. They were merely in such a situation that their actions indicated that they might or would, if not interfered with, come eventually into his power; and this bare potential possession was sufficient to enable him to maintain an action.

But the law does not stop with the acts of the sovereign or of the private land-owner. It infers a reduction to possession from the unaided act of nature. Thus in the case of animals, however wild, the law gave the owner of the soil a clear property title to the young born thereon until such time as they were able to fly or run away. It was not necessary to capture them, or in any way to

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lay hands upon them. *It was enough that the owner could capture them if he desired.* The law looked not to actual possession, but to the power of reducing to possession at will. Upon similar principles the Supreme Court of the State of New York has held that bodily seizure is not requisite, but it is sufficient that the animal should be brought within the certain control of the party.

Nor is it necessary, in cases where the reduction to possession is brought about by the unaided act of nature, that the animal should lose his freedom of movement, or that his going and coming should be restricted any more than it is in cases where possession arises from the intervention of man. If a colony of bees swarm upon a hollow tree on my land, making its home therein, the law without question recognizes those bees as my property. No barriers encircle them; they are free to go and come as they choose. I have done nothing to restrain them; I have not even done aught to invite them. Yet they are as completely mine as if I had built a hive for them. They found on my land a congenial dwelling which nature placed there, and by taking up their abode therein they have reduced themselves to my possession and thus become my property by their own act.

The principle that a reduction to possession, with all its attendant consequences, may be established by the acquisition through the animal's voluntary act of a home on the land, has received a clear enunciation from the highest English authorities. In a masterly opinion delivered in the Court of Exchequer (Blades v. Higgs, 13 C. B. 850) Baron Wilde says:

"It has been argued that an animal *feræ naturæ* could not be the subject of individual property. But this is not so; for the common law affirms a right of property in animals even though they were *feræ naturæ*, if they were restrained either *by habit* or inclosure within the lands of the owner. We have the authority of Lord Coke's reports for this right in respect to wild animals, such as hawks, deer, and game, if reclaimed, or swans or fish, if kept in a private moat or pond, or doves in a dove-cote.

"The principle of the common law seems, therefore, to be a very reasonable one; for, in cases where either *their own induced habits*, or the confinement imposed by man, *have brought about, in the existence of wild animals, the character of fixed abode in a particular locality*, the law does not refuse to recognize in the owner of the land which sustained them a property co-extensive with that state of things."

Having established this clear principle that the inchoate right to wild animals, however wild they may be, vests in the owner of the land on which they are found *ratione soli*, and that the re-

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duction to possession completes and perfects this title, how does the principle apply to the case of the seal? Although doubtless to be classed, like the bees, as animals *ferœ naturœ*, the wildness of the seal is by no means that of a beast of prey that roams in the forest. In the strict sense a wild animal is one that fears man and instinctively seeks to escape from his presence. But the seal is born tame. On the land he is docile and helpless, having neither the desire nor the ability to escape from the control of man. It might well be claimed that with an animal having such a disposition no formal reduction to possession is necessary. But assuming that it is, the conditions surrounding the life of the animals upon the Pribyloff Islands are such as to establish it in the amplest manner, both by the act of nature and by the act of man. In the first place the seal is begotten and born upon the islands, and during the first four months of its life, while it is being reared, it cannot get away. Possession at this time exists in the strictest sense of the term, and may be said to vest a complete title. But, apart from the case of the young seal, the condition of the whole herd, young and old alike, is such that they are substantially as much reduced to possession as domestic animals. The islands are their home, their fixed place of abode, which they inhabit during the greater part of the year, and to which they have always returned during a period whereof the memory of man runneth not to the contrary. They live and abide there, as the bees and the doves, however much they may wander, live and abide upon the land to which they always return from their flights. It matters not that this abode has been selected by the animal's unaided instinct, and that it is maintained by his voluntary habits. We are told, and truly, that the adoption of a fixed abode, although the result of mere habit, constitutes such a reduction to possession as to establish firmly a property right. We have seen a complete illustration of this principle in the case of the bees, which, having swarmed on a tree on a man's land, become *ipso facto* his property. And this adoption of an abode is not a novel and recent movement of the present generation of seals, not the sudden impulse or caprice of the moment, but the act of ancient progenitors, repeated year after year by their descendants, from the first time that their habits were observed and recorded. It has been their ancestral home from time immemorial.

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It must be noted also that this is the only abode of the seal. They never take up even a temporary residence in the territory of another. If they did it could hardly be regarded as a home, when compared with the Pribyloffs, the seat of reproduction, the birthplace of the race; but they do not. During the summer the mothers and the half-grown seal leave the islands only for short excursions to obtain food. The adult bulls and the pups do not leave them at all. In the winter the herds go out into the ocean, which is no man's territory. There is no other land, domestic or foreign, which the seal visit even for purposes of casual sojourn; much less is there any which can set up a rival claim as their fixed abode.

But it is not alone by the act of nature that the seal on the Pribyloffs have been reduced to possession. While here they are in the direct charge and under the certain control of the keepers on the islands. The control of these keepers, and through them, of the proprietor of the soil, is complete. No one would deny that if the herd were walled up in an inclosure, or if the animals were tied individually with rope, they would be reduced to possession. But so restricted are their powers of locomotion that, if these measures were adopted, control would not thereby be rendered more perfect. When driven by their keepers they move slowly and with painful effort. In comparative facility of capture the bee and the dove are as illusive as quicksilver. To have a herd of animals under your certain power and control it is not necessary to tie them up, when their greatest possible power of movement will carry them only one step to your ten, and when they are so tame that at your approach not one among the thousands moves from his place until you drive him away by force. This is no mere constructive reduction to possession, but a certain, actual and efficient reduction to possession.

The question what shall constitute property in wild animals within the territory has so far been considered solely as it arises between individuals, — that is to say, between the individual owners of different parcels of land upon which such animals may be found, or between one individual land-owner and the captor of the animals. But the question takes a much broader scope when considered as a question between state and state. What shall constitute ownership within the territory of a state as against another state? Is any reduction to possession necessary to com-

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plete the property right of the state within its territory? And, if so, what constitutes a reduction to possession? This question is one which it is entirely competent for every sovereign to decide upon his own territory, and within his own jurisdiction. The property of the sovereign in wild animals within the territory has been repeatedly recognized and has found frequent expression in legislation. Thus the English game laws, which were adopted after the Conquest, held that all animals of chase, and such as were accounted game, belonged to the king, who granted the right to take them to such of his subjects as he might choose. The right of the sovereign to vest in individuals a title to wild animals is affirmed with distinctness by Baron Wilde, of the Court of Exchequer, in the English case quoted above. In commenting unfavorably upon certain decisions of English courts, which showed a departure from the original doctrine of the common law, he says: "If the *legislature* should interfere by giving to the owner of land a property in game, either absolute or qualified, as long as it remained on his land, it would only be acting in the spirit and policy of the common law." In fact, the examples of this exercise of the sovereign power both in England and the United States are numerous. Thus the Legislature of the State of New York has enlarged the power of acquiring a title to game by pursuit, in the case of deer in the counties of Suffolk and Queens, by declaring that any person that starts a pursuit of such game shall be deemed in possession of the same so long as he continues in fresh pursuit thereof. Nothing could be a clearer assertion of the right of the sovereign to declare what acts in the nature of a reduction to possession may be necessary in order that the title may vest.

Now, the property right in the seal is claimed not by the owner of the soil alone, in virtue of his ownership, nor by the sovereign of the territory alone, in virtue of his eminent domain. It is claimed by him who is at the same time owner and sovereign. The two titles meet in the United States. The United States, as sovereign of the territory, has reduced to possession the wild animals on its domain. The United States, as owner of the soil, has reduced to possession the wild animals on the land which it holds in fee. Can anything further be wanted to establish its title to these animals on the islands?

Although it might seem under these circumstances that no declaration or enactment would be necessary on the part of the

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sovereign to establish his title, yet this is not wanting. Not only have the seal been reduced to possession and so clothed with the character of property, by the act of nature, and the act of man, but they have been expressly declared by the sovereign power to be its property. The Russian Government, the original proprietor of the seal, affirmed distinctly its rights of ownership, founded thereon a charter to a particular company, and prohibited to all other parties the exercise of such rights as ownership implies. The United States succeeded by purchase to the right of the Russian Government, and, lest there should be any misconception upon the point, it confirmed the declaration of its predecessor by an express statute. This statute, passed July 27, 1868, provides that "no person shall kill any otter, mink, marten, sable or *fur seal*, or other fur-bearing animal within the limits of Alaska territory, or in the waters thereof."

By the act of July 1, 1870 [*Rev. Stat. Sec.* 1960], it is provided that it shall be unlawful to kill any fur seal upon the islands of St. George and St. Paul, or in the waters adjacent thereto, except during the months of June, July, September and October in each year; and it shall be unlawful to kill such seals at any time by the use of fire arms, or by other means tending to drive the seals away from those islands; but the keepers on the islands are allowed the privilege of killing such seals as may be necessary for their own food, clothing and boats. It is also [*Sec.* 1961] made unlawful to kill any female seal, or any seal less than one year old, at any season of the year, in the waters adjacent to the islands, and the penalties of fine and imprisonment and forfeiture of vessels and cargoes are imposed for violation of the act.

The statute proceeds [*Sec.* 1962] to limit the number of seals to be killed for their skins upon the islands to 100,000 per annum for a period of twenty years, and empowers the Secretary of the Treasury to reduce the limit, if it become necessary for the preservation of the seals; to make leases of the right of taking fur seals on the islands; and, finally (*Sec.* 1967), every person who kills any fur seal on either of these islands, or in the waters adjacent thereto, without the authority of the lessees thereof, or who molests, disturbs or interferes with the lessees in the lawful prosecution of their business shall be subject to fine and imprisonment, and a forfeiture of their vessels and cargoes.

In pursuance of these statutes, the United States has granted

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by successive leases the right of taking seal from the islands; and it has thus in every possible way asserted and confirmed by acts and by express declarations the property right which it acquired in the Pribyloff seal when it became the proprietor of the islands upon which they dwell.

Having established the property right in the seal while on the land, the question is: When the animals leave the islands how far does this ownership continue? Upon this point a clear exposition of the law has been given by Blackstone, the greatest English authority upon the common law. Speaking of animals *feræ naturæ*, which, like the seal have once been reduced to possession, he says:

> "These are no longer the property of man than while they continue in his keeping or actual possession; but if at any time they regain their natural liberty his property instantly ceases; *unless they have animum revertendi, which is to be known only by their usual custom of returning.* The law therefore extends this proposition *further than to the mere manual occupation.*"

Upon this principle it is clear that even an animal *feræ naturæ* may leave the immediate keeping or possession of his owner, and the land which is his permanent abiding place, and if he has the intention of returning, as shown by his usual custom, his owner's title to him remains unchanged, and may be asserted against others who seek to capture him. Such a capture is unlawful, and the property may be reclaimed from the captor wherever it can be identified. If my bees, which, be it remembered, are *feræ naturæ*, fly into my neighbor's orchard, and feed there, intending to return, he has no right to treat them as his own. My neighbor has no more title to them than he has to my horse or my ox that is found trespassing upon his land. Still less can capture be justified or a title by capture be asserted where the bees fly into the highway, which is for the common use of all. As with the bees, so with hawks and doves. It is not necessary to my ownership that I should restrain their freedom of movement, a freedom which from the habits of the animal is indispensable to their existence; it is not necessary that I should pursue them in their daily excursions, for their movements are in accordance with their nature, and I know they will return. The *animus revertendi* continues my possession, and preserves my

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title; and I can maintain this title whenever and wherever I can identify my property. It makes no difference whether the intention to return springs from instinct, as in the case of the bee, or from partial domestication, as in the case of the dove. A carrier pigeon, thrown up five hundred miles away from its home, does not become the property of any person who may capture it during the course of its homeward flight; although liberated it is not abandoned. The owner has set it free knowing that its instinct would with unerring certainty lead it home again. The bird is doing the work for which nature has intended it, and no one would have the right to capture it, or to interfere with its movements.

Such being the principle of law in reference to animals that are compelled by their nature and habits to make excursions from their home, how does it apply to the case of the seal? Like the bees, they are wild animals, but like the bees, also, they are the subject of property. While on the Pribyloff Islands they are unquestionably the property of the United States. These islands have been for ages their fixed place of abode, where generation after generation has been begotten, born and reared, where the greater part of each year has been spent, and to which all have returned season after season with unbroken uniformity. Upon these islands they are under the complete and effective control and possession of their keepers. Their owner does not confine them there, any more than the owner of the bees, or the hawks, or the doves, because in the one case, as in the other, confinement is neither desirable nor necessary. It is not desirable because in all these cases the animal's habits and mode of life require freedom of movement. It is unnecessary because, when the seals journey forth, they are sure to come back. When they leave, they leave with the fixed intention of returning. Does anyone suppose that the mother which has gone out for food, that she may nurse her young, will forget her maternal instinct and wander off, leaving her little one to die of starvation? Is there any possibility that she will fail to return, unless indeed she falls a victim to the poachers, who have formed a cordon about the islands that they may steal her skin?

Even in the annual migration, when all the seals depart and are absent for four or five months, they have the same intention of returning, of which the best evidence is their actual return year after year for more than a hundred years, when the proper

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season comes. And upon this migration, it is not to another home that they resort. They land upon no foreign territory, even temporarily. Like the bees, that fly into the highway, their wanderings are in the open ocean, the highway of all nations. Like the bees also they go with the intention of returning. Wherever the Alaskan seal may wander from his home, the *animus revertendi* is always present with him.

We need go no further than to ask that the strict principle of the common law be applied in the case of the seal as in that of other animals. We have seen how such animals are regarded when they go out for food or for any other object. The birds and the bees are the private property of individuals, and while their home is upon the land they may, and in fact do, live for a large part of the time in the air. Does not the same right of property exist in a land animal that lives and fixes its home upon the owner's soil, but hunts its food in the water? Is the freedom of the sea less than the freedom of the air? "The hawk that chases his quarry," says Blackstone, "remains mine wherever he flies, because he is sure to return." My seal, leaving my land to chase his quarry, is not less mine than the hawk, since it is equally certain that he will return.

Nor will it be denied, in the face of the well-established doctrine of law, which has been quoted above, that if a mark were put upon each seal it would, like the wild swan, continue "the owner's property," and it would be unlawful for anyone else to take the animal, as long as the owner can reclaim it. But here again nature has done the work for man. No brand is needed to identify the seal of the Pribyloff Islands, nor would any "collar or other mark" fix more distinctly his membership in the American herd, or his home on the American islands, than these have been already fixed by his skin, and by the fact that his movements are confined during fixed times to fixed localities which no other animals of the same species frequent. No seal but the seal of the Pribyloff makes its way up through the Aleutian passes in the spring; no other fills the waters in the hundred-mile zone about the islands during the summer, and no other again passes down through the straits in the autumn.

Lord Salisbury has undertaken to dispute the property right of the United States in the seal, on the ground that such a right cannot be acquired in wild animals unless they are actually the

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subject of capture. He states his theory in his letter of May 22, 1890, in the following terms :

> "Fur seals are undisputably animals *ferœ naturæ*, and these have been universally regarded by jurists as *res nullius*, until they are caught; no person, therefore, can have property in them until he has actually reduced them to possession by capture."

This sweeping dictum of Lord Salisbury fails entirely to take account of the simple and clear distinctions of the common law, as well as of the character and habits of the animal whose relations he is discussing. It is in direct contradiction not only of reason but of authority and example. By making capture the sole and exclusive test of property in animals *ferœ naturæ* it would do away with the title of the United States to the seal upon its own land, until each seal had been tied with a rope or knocked on the head with a club. Even the rights of property as between individuals are not to be governed by such a rule, much less the rights arising between nation and nation. And it must be remembered that the present question is of the latter kind. The sovereign is under no necessity, in order to create title to wild animals on his land, of reducing them to possession by capture even when they are nomadic and predatory in their habits, and only temporarily therein. Still less is his title dependent upon capture when they have a fixed habitation on his land. They need no reduction to possession, for they are reduced to possession already.

Could any formal act of capture put the seal on the Pribyloffs more completely under the possession of the United States than they are to-day? Does it make any difference in their condition that this possession results from the voluntary act of the animals themselves? An animal that has walked into an inclosure of its own accord is no less captured than an animal which has been driven in by main force. A capture is none the less a capture because it takes the form of a voluntary surrender.

Nor does it make any difference that this water-locked territory upon which the animals have thus voluntarily put themselves in the power of their keepers was formed for its purpose by nature. It is an inherent element in the value of the property which the United States acquired by purchase, that it has such natural advantages as a refuge for the seal that it could not, in

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this respect, be improved by the art of man. It is one of the attributes and incidents of our property, to the benefits of which we are as much entitled as if we had ourselves constructed the shelving beaches, the rookeries filled with smooth rocks, and the hauling grounds where the young seal are herded. If I make a trap for any kind of untamed beast or bird, and put therein objects that will attract them, and they fall into it, they are mine even by Lord Salisbury's ruling. Are they any the less mine if nature has constructed a trap upon my own ground, and provided it with sources of attraction? Nobody can deny that the Pribyloff group is as perfect a means of reducing the seal to possession by capture as any which the hand of man could have constructed. In fact it is far more perfect, and the proof of it lies in the fact that each year the seal returns to be taken, with never-failing persistency, and that at any time during any summer its owners could, without an effort, annihilate the herd,—not only as it exists to-day, but for all future time.

It may be said in passing that this annihilation of the seal herd is not only possible, but may become necessary, should any such theory as that of Lord Salisbury be applied to the Alaskan seal, and thereby serve to defeat the right of the United States to protect its property. If it becomes a question between the extinction of the herd for the benefit of its owners, and the extinction of the herd for the benefit of foreign poachers, the United States will have no choice but to adopt the former alternative. It certainly does not propose to protect seal life simply in order that poachers may do all the killing, and it cannot be expected to debar itself and its citizens from a legitimate means of support arising within its own jurisdiction, upon considerations of the general welfare, when the predatory acts of others, in defiance of all such considerations, are cutting off the source of this revenue and appropriating the proceeds to themselves.

The adoption of Lord Salisbury's theory can hardly fail, therefore, to lead to the extinction of the species. It is probable, however, that Lord Salisbury did not intend to apply his principle to the ownership of wild animals on the territory, although he states it broadly and without any limitations.

The forms of animal life to which, and to which alone, the doctrine really applies, are those of fish in the sea, of migratory birds in the air, and of such nomadic wild animals on land as

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wander from one state to another. These have no fixed habitation. Such of them as seek out a temporary resting place and sojourn there for limited periods lose their identity the moment they leave it. In some rare cases it is possible that animals may return at intervals to these favorite places of sojourn, but if they do there is no way by which the fact can be established, or by which those following such a practice can be distinguished from the great body of migratory animals of the same species. With all such, therefore, when outside of the jurisdiction of any particular nation, capture is the general test of ownership.

The Alaskan seal cannot be confounded with the animals above described. It resembles them in no respect. Until the herd separates, south of the Aleutian Islands, it never loses its identity, and it retains always its territorial domicile. When it leaves the Alaskan Islands, it goes only into the ocean. It goes with the intention of returning, and this intention it has carried out year after year as far back as its history is known. It is in this intention of returning that lies, according to Blackstone, the essence of continuing ownership after the animal has left the territory of its owner. It obviates the necessity of capture, or, rather, it is in itself a capture. Lord Salisbury would not dispute the position that a fish on a hook at the end of a line was the qualified property of the owner of the line, even though the line were as long as the trans-Atlantic cable, and though the ultimate landing of the fish might be subject to many chances and uncertainties. The *animus revertendi*, recurring year after year in the same manner with unchanging regularity, as it has recurred for an indefinite period in the past, is a force less resistible than that which operates through hook and line, and gives a greater certainty of ultimate capture.

It having been shown that the United States has a property in the seal, not only on land but in the sea, the second question that arises is: In what way, and to what extent can this property right be protected and enforced?

Here again we may take the law from the great commentator whom we have previously quoted:

"In reference to animals *feræ naturæ*," he says, "while they thus continue my qualified or defeasible property, they are as much under the protection of the law as if they were absolutely and indefeasibly mine, and an action will lie against any man that detains them from me or unlawfully

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destroys them. It is also as much felony by common law to steal such of them as are fit for food as it is to steal tame animals, but not so if they are only kept for pleasure, curiosity, or whim, as dogs, bears, cats, apes, parrots, and singing birds, because their value is not intrinsic, but depending only on the caprice of the owner, though it is such an invasion of property as may amount to a civil injury and be redressed by a civil action.'

Although this distinction between animals having an intrinsic value and those kept merely as pets has passed away in recent times, yet even by Blackstone's standard of intrinsic value the taking of a seal in which another had a property right would have amounted to felony.

The property right of the United States in the seal rests upon the broad principle than an animal, even *feræ naturæ*, which has once been reduced to possession, and which leaves its home with the intention of returning, retains its character of property and may be reclaimed by its owner wherever it can be identified. Whether international law affords a process by which this right could be enforced within the jurisdiction of another party, it is not necessary to consider, for the seal are not found within the jurisdiction of another. They go only into the sea; and the sea is nothing more than a great common or waste—the property of no man, but which all alike are free to use. It is in this great unoccupied and unowned territory that the seals which are our property and have their home upon our land can alone find a means of sustenance. Shall they be debarred from its use by the predatory acts of another?

The right which I possess of feeding my animals in the sea is in the ordinary nature of a usufruct; a right to enjoy the benefits of property that is not one's own. The United States does not own the sea, for the sea is no man's property, but it claims a usufruct in the sea, at least as great as that of every other nation. If a stream of water flows through my land, I do not own the water, but I am entitled to the usufruct of the water. I cannot divert the stream from its bed, which would inflict damage upon another, but I can use it for domestic purposes, and can cause my cattle to be watered in it, and I can employ its current to obtain power to turn my mill. So when I have an animal that is my undoubted property, and whose nature requires that at certain periods it shall use the sea to obtain its necessary sustenance, I can claim for that animal so situated that in its enjoyment of the sea, or what is the same thing, in my lawful enjoyment of it

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by feeding my animal therein, I shall not be interrupted or injured by others.

Suppose that the fur seal lived on the Pribyloff Islands during the whole year instead of during eight months; would anybody claim that in making their brief diurnal or weekly excursion in pursuit of food they had not the right to obtain their food without molestation? If my ducks are found in the water, in search of fish or other food, can anyone take them? If my dog or my horse should swim out to sea, or being on a wrecked vessel should swim to shore, anyone who injured or molested him in the water would be answerable to me for the damage he had done, and my right to indemnity would be the same, even though the wrong-doer were a foreign subject, and the wrong done was done outside the three-mile limit. In the same way, when my seal has swum out into the water to obtain food in obedience to a natural instinct, I can claim that he shall not be injured, or molested, during his brief absence from the only place which he knows as home. Being my property upon the land, he is mine also when in the sea. The title does not shift every time he goes into and returns from it.

The right to prevent such an injury as between state and state has nothing to do with the limitations of maritime jurisdiction. It depends upon a law of far greater force and higher origin than any doctrine of territorial jurisdiction—the law of self-preservation. The right of self-preservation is the highest right known to man. In an individual it is synonymous with the right of existence; in a nation it is a right to preserve and protect its property and the lives and property of its citizens wherever they may be.

This right of protecting the seal is no question of closed seas or open seas; of free navigation, or obstructed navigation. The sea is no one's property—the open highway of every nation, whose ships may freely navigate it for the purpose of lawful trade. The United States does not claim to obstruct such navigation, in waters either within or outside its territorial jurisdiction. It does not assert that Behring Sea or any other part of the ocean is a closed sea, for any lawful purpose, but it does assert that the privilege of free navigation which it admits is the legal privilege of all cannot be made to cover and shield a felonious attack upon its property, whether at sea or on land, or to prevent it from taking such measures as are necessary to see that this property shall be protected.

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Nor is this any question of free or restricted rights of fishery. It may be conceded that the right to take fish in the open sea is a right that belongs equally to all nations, as much as the right of navigation. But the right to take fish, which is conceded, has nothing in common, either in fact or in principle, with the killing of seals. As a matter of fact, the seal is not a fish any more than a duck is a fish; it has none of the characteristics of the fish except the power of swimming, which it possesses in common with many other land animals, both wild and domestic, but which, owing to the fact that its food cannot be found on land, it uses in a greater degree. As a matter of principle, the seal whose home is on the land and whose property relations are clearly ascertainable, cannot be compared with the fish, which has no home; which is not connected with the territory of any state; which, if it were so connected, could not be identified when once in the ocean; and which wanders hither and thither unattached and unattachable until actually captured by the hand of man. The seal of Alaska has, by its natural habits, reduced itself to possession. The fish, by its natural habits, preserves forever the quality of freedom that belongs to the element in which it makes its home.

The right of the United States to the free enjoyment and use of the sea for its seals derives an additional support from prescription. The claim to the exclusive ownership of the fur seal in Alaskan waters was made by Russia, and upon that exclusive claim a company was chartered, and a business was founded which was openly prosecuted for more than half a century, and to which the United States succeeded by purchase. Whether foreign states acquiesced or not in *other claims* made or supposed to have been made by Russia, such as the exclusive right of navigation on the northwest coast, it cannot be pretended that her right to the seal and her right to conduct the exclusive business of breeding, rearing and slaughtering the seal for their fur, which business was transferred to the United States in 1867, was ever denied or even questioned by any nation up to the time of the present controversy. For more than a hundred years the herd of seals inhabiting the Pribyloff Islands has been treated as the sole property of Russia and her successor, the United States, and for nearly ninety years the business has been carried on precisely as it is carried on to-day without a word of protest or dissent.

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This additional support of prescription reinforces and strengthens not only the right to carry on the business of taking seal on the islands, but also the right to the use of the sea by the seal for purposes of feeding. This has already been described as in the nature of a usufruct. A usufruct may and often does add materially to the value of real property; in fact, property may exist which is of great value when coupled with a usufruct, but which without it is entirely worthless. It is upon prescription that this species of property more frequently depends, and in the present instance, by confirming the right derived from general principles, it gives a double force to our title to the usufructuary enjoyment of the sea. If the consent of nations were required for the exercise of so clear a right, this consent could rightly be presumed from long acquiescence. The United States therefore finds itself at the present time in a situation that may be described as follows:

The Alaskan seal, in which wherever it can identify them it has an undoubted property right, not only on the islands but when they leave their home with the intention of returning, and when they are enjoying that use of the sea to which all nations alike are entitled, is attacked by marauders, and is in danger of extermination. The United States seeks peaceably and by negotiation to obtain from the government, to whose subjects these marauding vessels belong, such measures of restraint as may prevent these depredations, or, by reducing them, avert their fatal consequences. After several years of fruitless negotiations it finds that, so far from securing a reduction of these depredations, they are greatly on the increase, and to such an extent that its property is threatened with total destruction. Under these circumstances it has a clear and indisputable right to take the protection of its property into its own hands.

Such a course must, however, be confined within the strict limits of the existing property right. These limits, owing to the nature of the seal, are susceptible of easy definition. As we have seen, the owner of wild animals, which stray with the intention of returning, may assert his rights and claim his property, as long as the property can be identified. A waif or stray which bears about it no mark of identification by which the owner can be known is the property of the taker. So it is with the seal.

It is this capacity for identification which fixes the limit

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within which the restrictive powers of the United States are operative. When the herd passes out into the broad spaces of the Pacific and disperses hither and thither, no man knows where, mingling, perhaps, with the seal of the Russian islands, perhaps keeping up a separate existence, this country would have no foundation for a complaint against him who kills or captures them. It has no right to protect them, because, under these conditions, it has no means of identifying them, nor would it attempt to assert a right to protect them. But as the spring wears on,—as the mothers feel that their time is drawing near, and seek the land which alone they know as home, and as the remainder of the herd, drawn likewise by an uncontrollable and habitual instinct, concentrate in one vast body preparatory to making their way through the passes of the Aleutian Islands, the identity of the property becomes reëstablished beyond the possibility of a doubt, and the right of the United States to protect them revives in all its original vigor. This identity remains fixed, and this right continues during the period of island residence, and until the annual separation for the winter.

So invariable are the habits of the seal that it is easy to fix both the limit of time and place within which this identification may be made. The assembling of the herd takes place in May of each year in the waters directly to the southward and in the immediate neighborhood of the Aleutian peninsula and islands. The dispersion takes place with equal regularity during the month of November and in the same locality. It is during the period between the annual round-up and the annual separation that the rights of the United States may be asserted and maintained.

Having considered the legal aspect of the question, it only remains to touch upon its moral aspect, to which certain important references have been made in the course of the diplomatic correspondence.

In the letter of January 22, 1890, in which Mr. Blaine first treated in extenso of the grounds upon which the United States were proceeding, reference is made to the fact that the seal poaching, as pursued by Canadian vessels in Behring Sea, is *contra bonos mores*, an act which is in itself immoral. A general statement has already been made of the grounds of this opinion, in describing the habits of the seal, and the effect continued poaching must have upon the future existence of the species.

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There are few who will deny the justice of the assertion that any pursuit which must inevitably result in the total destruction of an animal of such valuable qualities to mankind as the fur seal is an evil which should be prevented, if possible—an evil in and of itself, the encouragement of which is, from the nature of things, immoral.

Not only, however, is the general injury and loss to mankind that would result from the destruction of seal life to be considered, but the barbarity and wantonness of the methods by which this destruction is accomplished.

The methods are, in the first place, barbarous, because they consist in the slaughter of the mother seals at a critical moment of their existence, a moment when the sentiment of the whole world, civilized and uncivilized, is alike in agreeing that the mother should be protected,—a sentiment which finds expression not only in the dicta of moralists but in the game laws of every country in the world. In all these expressions of moral law, whether found in ethical writings or in statute books, the pregnant mother and the nursing mother are surrounded with an inviolability—it might almost be said a sanctity—which preserves and protects them. But the mothers whom the poacher destroys are not pregnant mothers alone, or nursing mothers alone, but they are both at the same time, and upon their life hangs the life both of the offspring that is and of that which is to be.

The methods are in the second place wanton, because the number of seals taken bears no proportion to the number killed. Suppose that the poachers get one in six of all that they shoot. Their catch last year amounted to 28,000, representing a direct slaughter of 168,000, to say nothing of the indirect slaughter of the young just born, of the young then in their mother's womb, and of the progeny to which, had they lived, the cows would to a certainty have given birth in the succeeding years. It is a small estimate to place the destruction thus directly and indirectly accomplished in a single season at considerably more than a quarter of a million of animals, nine-tenths of which is of absolutely no benefit to the destroyers. It is well known that other herds of seal equally numerous, which formerly existed in other localities, have by reckless hunting been entirely wiped out of existence, and it is beyond a doubt that the same fate will shortly overtake the last great herd that survives if the present practice is to con-

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tinue. Can it be denied that such a pursuit, having such consequences to mankind at large, and carried on with the circumstances of barbarity and wastefulness that have been described above, is *contra bonos mores*, a thing immoral in itself, and to be condemned by the unanimous sentiment of the civilized world?

With regard to this argument Lord Salisbury says: "It is obvious that two questions are involved: First, whether the pursuit and killing of fur seals in certain parts of the open sea is, from the point of view of international morality, an offense *contra bonos mores*; and, secondly, whether if such be the case this fact justifies the seizure on the high seas and subsequent confiscation in time of peace of the private vessels of a friendly nation."

The first of these questions has been already considered. It is thus answered by Lord Salisbury:

"Her Majesty's Government must question whether this pursuit can of itself be regarded as *contra bonos mores*, unless and until, for special reasons, *it has been agreed by international arrangement* to forbid it. Fur-seals are indisputably animals *ferœ naturæ*, and these have universally been regarded by jurists as *res nullius* until they are caught; no person, therefore, can have property in them until he has actually reduced them into possession by capture.

"It requires something more than a mere declaration that the Government of citizens of the United States, or even of other countries interested in the seal trade, are losers by a certain course of proceeding, to render that course an immoral one."

It would seem that Lord Salisbury fails to recognize the ancient and well-known distinction between a thing which is *malum in se*, and things which are merely *mala prohibita*. According to his view seal-poaching is not to be considered as immoral at all unless and until the nations of the world have agreed to prohibit it. He forgets that there are some acts which are immoral, independently of any prohibition; whose immorality is derived not from their being prohibited, but from the bad quality inherent in themselves. Some acts are vicious only because they are forbidden by municipal law or by the consent of nations, which forms international law. Other acts are vicious, because they are prohibited by a higher law—a law of nature; and in that case they must be characterized as *mala in se* and as *contra bonos mores* independent of any statute or international agreement. As to the character of an act in itself immoral, neither international nor municipal law can enlarge or diminish the condemnation pronounced by the law of nature. An act that is inherently

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wicked requires no legislation or agreement to make it so. Of such a character are the depredations of the seal poachers.

It may be doubted, however, whether Lord Salisbury really meant what he said when he questioned whether a practice could be regarded as *contra bonos mores* until it had been agreed by international arrangement to forbid it. His probable intention was, assuming that seal poaching was immoral, to question what right the United States had to prevent even an immoral practice by the capture of British vessels on the high seas. This it will be observed is an objection quite different from the other, but it is at least reasonable. It is not, however, a difficult question to answer.

The United States does not claim the right to act as the champion of morality among the nations of the earth, and to put down every immoral practice which it may find the subjects of other states committing upon the high seas, but it does claim that where its lawful property interests are made the subject of direct attack by a practice in itself immoral and unjustifiable, it is justified in repelling the assault, and that its right so to act does not depend upon any international agreement. It is not claimed, as Lord Salisbury seems to suppose, that the fact that the United States are losers by "a certain course of proceeding" makes "that course an immoral one," but it is claimed that when a proceeding is already immoral and attacks and infringes the rights of the United States to such an extent as to despoil them of their lawfully acquired property, and property to which as has been shown above, Lord Salisbury's theory of wild animals to the contrary notwithstanding, they have an undoubted title, they are justified in taking such steps as are necessary to protect that property and to prevent that infringement.

The common law gives an application of this principle which presents in the relations of man to man a striking analogy to the present case, arising in the relations of nation to nation. It is a general principle of the common law that a private individual cannot maintain an action for a public or common nuisance. Such a nuisance must be proceeded against by the State; it is indictable, not actionable. But when a common nuisance is of such character that it causes direct damage to my property and constitutes a direct encroachment upon my rights, I may maintain an action in my own name for its abatement. Such is the position of the seal question. The Government of Great Britain by

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undertaking to protect and countenance these depredations has permitted, if it has not originally set up, the existence of a common nuisance by which all the world suffers. And the fact that this injury is committed at my doors, against my property, and to my great damage and detriment, justifies me in maintaining that action which, in the case of what was solely a public nuisance, like the slave trade, would require the agreement of all the world.

It may be said that such an action is without precedent, and in support of this position many phrases may be quoted of statesmen and publicists, to the effect that except in case of piracy or international agreement no state can apprehend the vessels of another state upon the high seas, whatever acts they may have committed. That this application of the principle is without precedent in reference to seal poaching has no significance because, as has been freely admitted during the course of the published correspondence, seal poaching on any appreciable scale did not exist prior to the present controversy. That the protection of property at sea is not specifically stated by jurists as an exception to the general right of free navigation for merchant vessels is not surprising, seeing that it depends upon the great and fundamental law of self-preservation, which, as every jurist knows, may be an exception to any rule, and must be considered as an implied exception in the statement of every principle. Suppose that a British subject, or a colony of British subjects, should put the victims of epidemic disease upon a vessel and moor that vessel off the harbor of New York in the track of commerce proceeding to or from that port, but well outside of the so-called limit of territorial jurisdiction. Does anybody suppose that the United States would allow such a pest-ship to remain long in its position? Would it be prevented by any theory of the freedom of ocean navigation, or territoriality of the British vessel, or the inviolability of the British flag, from abating summarily this common nuisance which brought upon it specific injury? Would it wait to hunt up a precedent? A novel injury justifies a novel precedent. Or, finally, because of the general principle of non-interference with ships on the high seas, except in cases of piracy, would the law compel it to defer action until that action could be tied up in the red tape of an international compact?

As a matter of fact, however, the principle that the law of

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self-preservation is an implied exception to the general rules governing international relations has been repeatedly laid down with distinctness by the highest authorities, especially in its application to maritime jurisdiction. It was stated by no less accomplished a jurist than Chief Justice Marshall, in a decision in the Supreme Court of the United States (Church vs. Hubbart, 2 Cranch, 234), in speaking of seizures made by a State, outside of the marine limit:

"Its power to secure itself from injury may certainly be exercised beyond the limits of its territory. Any attempt to violate the laws made to protect this right (Colonial commerce) is an injury to itself which it may prevent, and it has a right to use the means necessary for its prevention. These means do not appear to be limited within any certain marked boundaries, which remain the same at all times and in all situations. If they are such as are unnecessarily to vex and harass foreign lawful commerce, foreign nations will resist their exercise. If they are such as are reasonable and necessary to secure their laws from violation, they will be submitted to."

A similar doctrine was applied by the Supreme Court in a later case (Hudson vs. Guestier, 6 Cranch, 281), where a capture was made six leagues from the land.

An equally clear and emphatic statement of the doctrine was made in a debate in the House of Lords, in 1878, by the Lord Chancellor, upon a question arising out of the celebrated case of the Franconia. Speaking of the limits of territorial jurisdiction at sea, the Lord Chancellor said:

"It appears to be established as a matter of principle that there must be a zone. The only doubt was, as to how far our limits extend. The authorities were clear on this, that if three miles were not found sufficient for purpose of defence and protection, or if the nature of the trade or commerce in the zone required, there was a power in the country on the seaboard to extend the zone."

No higher or clearer authorities could be given to show that the ultimate test of the extent of maritime jurisdiction at sea is to be found in the necessities of self-preservation, and covering the protection and security of the state and its property, and the persons and property of its subjects.

Such is the question which the United States, strong in the justice of its cause, and controlled by that spirit of forbearance and adherence to order and law which should always govern in both domestic and international controversies, has now submitted to an impartial arbitration. It had no other alternative but to appeal to the God of battles.

B. F. TRACY.

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THOUGHTS SUGGESTED BY PROFESSOR DEWAR'S DISCOVERIES.

BY R. OGDEN DOREMUS, M. D., LL. D., PROF. OF CHEMISTRY AND PHYSICS, COLLEGE OF THE CITY OF NEW YORK, AND PROF. OF CHEMISTRY, TOXICOLOGY, AND MEDICAL JURISPRUDENCE, BELLEVUE HOSPITAL MEDICAL COLLEGE.

In 1654 the reigning Emperor of Germany, Ferdinand III., with his court, honored the inventor of the air pump, Otto von Guericke, by witnessing his experiments. Among other tests von Guericke applied the carefully ground edges of metallic hemispheres, two feet in diameter, to each other. After exhausting them of air, he attached fifteen horses to each hemisphere. In vain did they attempt to separate them, because of the enormous pressure of the atmosphere. Torricelli, of Italy, and Pascal, of France, had already devised mercurial, water, and wine barometers, for measuring the same with accuracy, in 1643, but these important discoveries did not attract wide-spread public attention.

Napoleon I., in the beginning of this century, invited Volta from Pisa to Paris to exhibit the marvels of his electric battery to the *savants* of the French capital, and was present at each *séance*. The deepest interest was excited over the civilized world in the newly-revealed modification of electricity.

The Prince of Wales, towards the close of this century, presides at a lecture by Prof. James Dewar, at the Royal Institution,* on "Liquid Air." The ear of the public is now awakened to the liquefaction and solidification of gases.

Aristotle taught the ancient doctrine of the four elements, "earth, air, fire and water," and suggested a fifth, filling space, which he called "ether." Van Helmont, in the sixteenth century, applied the term "gas" to aeriform substances. He said :

* Founded in 1799 by an American gentleman, Mr. Benjamin Thompson, born near Rumford, Mass.; afterwards known as Count Rumford.

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"*Gas est spiritus non-coagulabilis.*" It was a favorite belief in ancient times that gases, ghosts or hobgoblins were invisible existences inhabiting the bowels of the earth. They were protectors of its treasures, antagonistic to humanity, throttling or destroying with violent explosion intruders in mines.

Chemists are now firm believers in spirits. They can make them appear at their bidding, and of every color in the rainbow, varying also in weight, flavor, and chemical potency, good angels and bad ones. They can stimulate them to war with each other, so that the malign influences of one class are destroyed in the conflict. Chemists can materialize the spirits and force them to assume liquid or solid forms.

In former times, by their efficient aid, the chemist could produce the most intense heat. Hence he was called the "Philosopher by Fire." He can now by changing their visible to an invisible condition obtain severest cold. He may therefore add to his title that of the "Philosopher by Frost."

Modern chemistry is built on a spiritual basis. One of these gases (oxygen) exceeds in weight all the other elements on this globe. United mostly with metals, it forms its solid crust and its continents; with another spirit (hydrogen) it forms the waters of its oceans, seas, lakes and rivers. In a gaseous form it is mingled, democratically, with numerous others to form the air. Our atmosphere is the grand reservoir of hosts of spirits. It is the blue ethereal envelope of mother earth: the cerulean mantle worthy of God, the Spirit! It is the aerial laboratory in which the great problems of existence are solved—"the cradle of vegetable and coffin of animal life."*

How closely we are related to the world of spirits we rarely reflect. We are embodied in them and they are embedded in our bodies. They haunt us when awake, during our daily avocations. They are necessary adjuvants to the arm of labor and the brain of thought. Without their aid we can do nothing. These guardian spirits watch over us while we sleep, and like Vestal virgins, they keep alive the vital flame when our wearied muscles and tired senses repose from their activity. By telescopic aid we behold gaseous investitures enwrapping our associate planets. We know the direction of the winds in some of these remote orbs, by the drifting of their clouds. The spectroscope demonstrates to us

* Prof. John W. Draper. *Chemistry of Plants.*

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that the vastly more distant nebulæ are embryonic gaseous universes, similar in condition to that in which our own system existed, according to the theory of Herschel and Laplace.

How successfully spirits have eluded human investigators is shown by the years, yea centuries, of observation and research involved in their discovery. Paracelsus in 1500 A. D. noticed the evolution of *air* when sulphuric acid was poured on iron. Seventy-two years passed before its inflammability was discovered by Turquet de Mayerne and also by Boyle. In 1700 Lemery detected its detonating properties when mingled with the atmosphere. In 1766 Macquer and De la Metherie observed that moisture was produced when the gas was burnt. Cavendish in the same year first accurately reported the characteristics of "inflammable air," as he called the gas which was entitled *hydrogen* by Lavoisier in 1774. Over two and a half centuries were required for the discovery of this lightest of all spirits, *hydrogen*.

For the isolation of the gas most essential for the evolution of heat, light, electricity and for the sustenance of animal and human life, namely, *oxygen*, more than two thousand years of patient research were necessary! In the middle of the sixth century B. C., Heraclitus said: "Air contains a subtile element which sustains fire and respiration." In 480 B. C., Anaximenes of Miletus wrote: "Air is the origin of all things; and all things return to it after certain evolutions." Eck, of Sulzbach, in the fifteenth century, first demonstrated experimentally that the weight of metals is increased when calcined. In 1630 Brun repeated this discovery after prolonged heating of lead and of tin. In the act of calcination, or, as we now term it, oxidation, they became heavier. Mayow, of England, in 1669, and Priestley, in 1774, released this "vital air," as it was called, by heating red precipitate, oxide of mercury, with the sun's rays through the aid of a lens.

By exposing a growing plant, inclosed in a glass vessel in which a mouse had died for want of pure air, to the same solar rays, Priestley demonstrated the power of the tissue of the green leaf, under this stimulus, to decompose the expired carbonic acid gas from the lungs of the little creature and evolve "vital air." As Dr. Franklin quaintly expressed it, "the plant mended the air." Lavoisier, of France, and Scheele, of Sweden, also discovered this element of elements. To the French philosopher we are indebted for its present name, the acid maker, *oxygen*.

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Scheele discovered the following gases—chlorine, hydrocyanic acid, hydrofluoric acid, arseniuretted hydrogen and tetrafluoride of silicon. Nitrogen gas, which forms four-fifths of our atmosphere, was discovered by Rutherford in 1772. "Fixed air," or carbonic acid, was released from carbonates, as now designated by Black in 1755.

In 1823 Prof. Michael Faraday commenced his experiments on the liquefaction of gases, by pressure *alone*, unaided by great cold. He converted the following gases into the liquid state :

	Pressure of Atmospheres.	Temperature.
Cyanogen	3.7	3.7° C.
Sulphurous Acid	3	7.2°
Chlorine	4	15.5°
Ammonia	6.5	10°
Sulphuretted hydrogen	17	10°
Carbonic acid	36	10°
Nitrous oxide	50	7.2°
Hydrochloric acid	50	10°

Many solids when dissolved in liquids absorb heat. Wine is cooled in India by placing the bottles in water containing crystals of nitrate of potash. The "*eau sucrée*" of the Frenchman is cool because the lumps of sugar are changed in form. The "sherry-cobbler" and "mint julep" of the Yankee are several degrees below the freezing point of water, because two solids, ice and sugar, are rapidly dissolved in sherry or other wine. If liquids rapidly assume the gaseous form a great reduction of temperature results. Thin sheets of ice have been made, even in hot climates, by exposing water in shallow pans to a clear sky at night, to secure speedy evaporation of a part of the water.

Dr. Black, of Edinburgh, first clearly enunciated the laws of "latent heat." At the exact point when a solid begins to liquefy by heat, its rise in temperature is arrested until it is all melted. A similar phenomenon occurs when the visible liquid changes to an invisible gas. The heat required for this transformation is vastly greater. Hence the appropriateness of the term "heat of form." When we would reverse these changes, as from the impalpable to the visible liquid, or solid, we must abstract this heat. In 1834 Thillorier solidified large quantities of carbonic gas by rapidly evaporating the liquefied gas. When the snowy-looking solid is mingled with its solvent ether, a most intense cold results as they both assume the gaseous state. By evaporating them in vacuo, Faraday attained the lowest temperature then known.

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Many gases cannot be liquefied by simple pressure. At the "*critical point*," differing with each gas, the expansive power of heat must be abstracted. Intense cold must coöperate with force. By these combined agencies, in 1877, Cailletet, of Paris, announced to the French "Academy of Sciences" that he had liquefied oxygen, also carbon monoxide, by employing a pressure of 300 atmospheres and by the evaporation of liquid sulphurous acid, reducing the temperature to —29 degrees C. On the same day the following telegram from Raoul Pictet, of Geneva, was read before this society: "Oxygène liquéfié aujourd'hui sous 320 atmosphères, et 140° de froid, par acid sulfureux et carbonique accouplés."

In 1878 Pictet liquefied hydrogen gas, employing a pressure of 650 atmospheres (about five tons) per square inch (!) and a temperature of —140 degrees C. The following table presents at a glance these interesting discoveries:

GASES LIQUEFIED.

	Atmos.	Temp. Cent.
Cyanogen	4	+ 15°
Chlorine	8.5	+ 12°
Ammonia	6.25	+ 10°
Nitrous oxide	40	+ 7.2°
Ethylene	46	+ 4°
Carbon dioxide	54	+ 18.3°
Acetylene	86	+ 15°
Nitric oxide	104	— 11°
Marsh gas	108	— 11°
Nitrogen	300	— 13°
Carbon monoxide	300	— 29°
Oxygen	300	— 140°
Hydrogen	650	— 140°

LIQUEFIED GASES BOIL AT

	C.
Carbon dioxide	— 80°
Nitrous oxide	— 90°
Ethylene	— 103°
Nitric oxide	— 153°
Marsh gas	— 161°
Oxygen	— 184°
Air	— 192.2°, mean — 191°
Carbon monoxide	— 193°
Nitrogen	— 198.1°

The lowest temperatures yet attained are here tabulated:

Faraday with solid carbon dioxide and ether in vac. obtained	— 110° C.
Natterer with solid nitrous ox. and carbon disulphide obtained	— 140° C.
Olzewski by evaporation of liquid air obtained	— 210° C.
Olzewski with solid nitrogen in vac. obtained	— 225° C.

Professor Dewar employed liquefied ethylene (olefiant gas) in producing the intense cold necessary to liquefy the air. One thousand pounds sterling was the liberal contribution of the "Goldsmiths' Company" for the expense of the ingenious means for compressing and cooling the gases. Both M. Cailletet and M.

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Pictet spent much money, as well as intellectual work in accomplishing their results.

I have frequently been asked: "Of what use are these interesting, laborious and costly experiments?" To the scientist they have demonstrated that solids, liquids and gases differ in form because of differences in "heat of form." They support the nebular hypothesis as to the primitive condition of our universe. They carry him back to an epoch anterior to *visible* nebulæ, when radiant energies such as heat, light and electricity had not announced themselves—when all was "*without form and void; and darkness was on the face of the deep*" (profound). When the gaseous elements commenced their combination these forces resulted. And God said: "Let there be light, and there was light," generously diffused through immensity. By movements excited, the fluids broke into clusters, suns, planets and satellites. Some cooled to liquids, in the course of immeasureable ages, and became encrusted spheres. On one of these life appeared.

By heat we greatly stimulate chemical affinities. At the low temperatures attained by these ingenious experiments, chemical activities are diminished. Oxygen refuses to burn with carbon, phosphorus and potassium. Chlorine will not unite with elements with which, at common temperatures, it combines with great avidity. Electric conductivity, magnetic relations, spectroscopic effects have been successfully studied with these newly-formed liquids. Paalzow, of Berlin, determined the modulus of elasticity of mercury by the use of this metal frozen in the shape of a tuning-fork. At the frigorific laboratory of Pictet, in Berlin, solid chloroform, alcohol and other chemicals are prepared in purer condition than ever before. Thus, a new era in chemical manufacture has been inaugurated.

Many of these liquefied gases are daily employed for *mechanical* purposes. Fifteen years ago the United States Government propelled torpedo boats with liquid carbonic acid. Two companies are now organized in this city for propelling street cars, one of them by the aforesaid liquid, the other by liquefied ammonia.* When we navigate the air, it will be by the aid of this concentrated power.

*Several years before the death of Commodore Vanderbilt the writer was invited to his residence to discuss the employment of liquid ammonia for street cars. The Commodore said; "It makes me sick to see the poor horses dragging a load of from thirty to fifty passengers on a hot day."

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The sunken iron-clad, "Grösser Kurfurst," was floated to the surface of the water by attaching to the vessel gas-tight bags and inflating them from receptacles of liquid carbonic acid. Steel rings on Krupp's most formidable cannon have been placed in position by previously cooling, and thus shrinking, the gun with this liquid. The metallic armatures of the colossal microscope now being constructed in Munich for the World's Fair at Chicago are guarded against the heat of the electric light by the escape of a little jet from a cylinder of liquid carbonic acid. Tons of this liquid are made daily in Berlin and other European cities and exported to this country. In New York the American Carbonate Company have produced it on a large scale for many years. Tens of thousands of wrought iron cylinders, with from ten to twenty pounds of the liquid are sold annually in different parts of the world.

For half a century, water has been frozen in caraffes and in plates of ice, by the evaporation of ether; later with liquefied ammonia, sulphurous and carbonic acids; also by the sudden expansion of compressed air. Artificial ice from distilled water is a commercial product. Ice is even made for skating rinks. All kinds of meat, game, fish and fruit are preserved by similar means, and could be kept for as unlimited a time as the ancient elephants found by the Russian scientist, Pallas, in Siberia, in 1799, which had been frozen in Nature's ice box. The dogs of the Jackoutes partook of the flesh with evident delight. Besides capacious refrigerating rooms, compartments in cars and ships are artificially cooled for the transportation of articles of diet. One large steamer was exclusively arranged as a floating refrigerator for conveying meat from Texas. Liquefied carbonic acid was employed as the cooling agent.

I have found, after several months' experimenting, that the domestic refrigerator could be kept at 40 degrees F. by the evaporation of liquid ammonia at a less cost than by employing ice. A lower temperature than this is undesirable. In hundreds of breweries, ammonia machines are used for cooling purposes in preference to ice, both for economy and cleanliness; also for forcing beer from cellars and aerating it.

Since witnessing, in 1847, the experiments of Professor Gmelin, in Heidelberg, with liquid carbonic acid, I have enjoyed years of practical experience in liquefying thousands of gallons of this

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gas and producing bushels of the snowy solid with Thillorier's apparatus. I have shown it to students in colleges, and at public lectures, where not only a hundred pounds of mercury have often been frozen in a few minutes, but also where electrical phenomena were exhibited, caused by the friction during the rapid escape of the liquid and its sudden change of form. Sparks were drawn from an insulated "prime conductor," and the repulsion of similarly electrified light objects were witnessed by an audience filling the Academy of Music.

About thirty years ago the United States Government appointed a commission to examine and report on methods for saving life on shipboard. I repeatedly exhibited to this commission the efficacy of liquid carbonic acid in extinguishing fires, and suggested that wrought-iron cylinders, filled with this liquid, should be placed on the decks of vessels and connected with iron tubes passing by the side of the stanchions into various compartments. Should spontaneous combustion of cotton, jute, coal, etc., occur, the fire would be instantly extinguished by releasing the gas and driving it by its enormous pressure into the hold of the ship. The commission reported unanimously in favor of this method, and advised the passage of a law by the United States Government requiring all our vessels to be provided with such means for extinguishing fires and saving life.

Similar experiments were also shown to a committee appointed by the "New York Board of Marine Underwriters." The committee commended this mode of putting out fires in the highest terms. It is especially applicable in our bonded warehouses which contain merchandise valued at millions of dollars. By the use of carbonic acid gas, forced in large quantities from the liquid in reservoirs, the fire would not only be instantly extinguished, but no injury would occur to the most delicate fabrics of silk, satin or velvet, as if water or steam were employed.

In 1862 I assisted M. Barthelemy Bianchi in exhibiting before the Academy of Sciences, in Paris, the liquefaction of nitrous oxide gas by a novel form of pump. Interesting experiments were shown with both the liquid and solid "laughing gas." Since that time I have annually exhibited it to students and to the public.

For many years I have urged that these liquefied gases should be utilized to temper the heat of summer in our homes and hospitals, our banks and business offices, our sumptuous edi-

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fices for pleasure or piety. I have ventured to say: "If they can cool dead hogs in Chicago, why not live 'bulls and bears' in the New York Stock Exchange?" Citizens would be happier, merchants would make more money, and physicians would save more lives with the temperature at 70 degrees Fahr. than at 90 or 100 degrees.

The surgeon produces local anæsthesia by a spray of ether or a jet of cold gas from liquid nitrous oxide. Dr. Colton administered a dose of laughing gas to Dr. Wells, of Hartford, by his request, in 1844, and a tooth was extracted without pain. Now the liquefied gas is sent to all parts of the world for dental purposes. This anæsthetic, which has been inhaled by some patients for over an hour, is esteemed by many eminent surgeons and obstetricians as the safest of all. Fewer fatal results have occurred by its use than from the employment of ether or chloroform. Methyl chloride has been introduced so recently that a comparison cannot be made. The anæsthetics are the greatest blessings chemistry has offered at the shrine of medicine.

Liquefied chlorine and sulphurous acid are sold for bleaching purposes. They are also most efficient disinfectants. In the summer of 1865, I was authorized by Mayor Gunther to disinfect vessels entering New York harbor from certain foreign ports, where cholera existed. During the voyage of one of these steamships, the "Atalanta," sixty passengers had died from this disease. Chlorine was generated in enormous volumes in this ship, and in all the vessels from infected places. No case of this dreaded malady appeared in our city, proving the efficiency of chlorine. In the surgical wards of Bellevue Hospital, the walls of which had become magazines of disease, over two tons of chlorine gas were successfully employed by the writer to destroy the malign agents; following them effectively through plaster and stone walls. It has since then been applied in many hospitals.

Liquid chlorine, or sulphurous acid (the gas produced by burning sulphur) can now be handled in compact form, and liberated in rooms, where typhus, small-pox, scarlet fever, diphtheria, or other fearful maladies have injured or slain their victims. The records in our daily journals, within a few weeks, tell us that the luxurious mansions and hotels of our city can boast of no exemption from contagion.

R. Ogden Doremus.

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A RAILWAY PARTY IN POLITICS.

BY HARRY P. ROBINSON, PRESIDENT OF THE "RAILWAY AGE AND NORTHWESTERN RAILROADER."

IN THE course of a letter to the writer of this article the president of one of the strongest railway companies in the West, said recently:

> With few exceptions the people of the United States believe that they have the right, and it has been clearly demonstrated that they have the power, to compel railroads to serve them at such rates as they (the people) consider reasonable. The people apparently believe that in fixing minimum rates they can and do fairly consider the just claims of shareholders as well as their own. That the slave should complain by reason of being deprived of such rights as freemen enjoy the master may reasonably expect; but so long as by law he continues to be master such complaints will have little or no influence with him. If the dictatorial power of the people over railway management is not to be exercised in the future as it has been in the past, so as to work complete confiscation of shareholders' interest in all the weaker lines, the change will, in my opinion, be by reason of the organization of a political party representing railway shareholders and railway employees. Such a party should have no secrets. It should never nominate candidates for political office, but it should demand such protection for railway property as the law gives to other property, and should as often as may be necessary hold and exercise the balance of power at the polls as between the two dominant political parties.

Part of this letter was afterwards published with its author's consent, and as a result other letters were received by the writer from nearly a score of railway presidents and railway managers, all bearing upon the question of the advisability of organizing a new "railway party" in politics, to protect the interests of the investors in, and employees of, the railways. Lengthy quotations from these letters would only be tedious. It is sufficient to say that, while the writers differed widely as to the wisdom, viewed merely as a question of politics, of forming a new party, there

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was no shadow of divergence of opinion as to the fact that the right to "regulate" the railways, which is vested in the State, has now been carried in the West to a point not only beyond the bounds of justice, but beyond its constitutional limits, and that it would soon be impossible for any railway company in the West to keep out of bankruptcy unless some vigorous and concerted action were taken to arouse public opinion, and to compel a modification of the present policy.

It is easy to see how much strength such a party, if formed, would possess. According to the reports of the Interstate Commerce Commission, there were in the immediate employ of the railways of the United States a year and a half ago 749,301 men—all or nearly all voters—which number has now, it may be assumed, been increased to about 800,000. There are, in addition, about one million and a quarter shareholders in the railway properties of the country; and in other trades and industries immediately dependent upon the railways for their support, there are estimated to be engaged, as principals or employees, over one million voters more. These three classes united would give at once a massed voting strength of some three millions of voters. There are also, in the smaller towns especially, and at points where railway shops are located, all over the country, a number of persons, small tradesmen, boarding-house keepers, etc., who are dependent for their livelihood on the patronage of railway employees, and whose vote could unquestionably be cast in harmony with any concerted employees' movement. Moreover, unlike most new parties, this party would be at no loss for the sinews of war or for the means of organization. The men whom it would include form even now almost a disciplined army. With them coöperation is already a habit. While the financial backing and the commercial and political strength of which the party would find itself possessed from its birth would be practically unlimited.

It is not surprising then that enthusiasts should declare that it would not be necessary to do more than go through the mere form of organization—to call a meeting or two and issue a few pronunciamentos—for the leaders of the new party to be able to dictate a presidential nominee and the outlines of a policy to either of the two great parties.

There exists, however, no immediate probability of this party being formed. Experience has impressed upon railway men the

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unwisdom of "the corporations" appearing in politics, and so long as there remains a chance of obtaining their ends (what they claim to be no more than their rights under the Constitution of the United States) by gentler means, the greater number are reluctant to contemplate the necessity of using the last weapon. For the present it seems to them better to believe that the people —those people who are not railway men—are acting now only in ignorance and that, as soon as they see the truth, they will by their own instinctive sense of justice re-mould their opinions and their policy without political coercion.

At the same time there has already come into existence in some of the Western States a movement which has its significance and its practical influence. This is what is called The Railway Employees' Club movement. It started in Minnesota, at a small meeting of railway employees held in Minneapolis in 1888. From that meeting the movement grew and made a certain feeble effort, not entirely unsuccessful, to influence the State election in the fall of that year. By the State election of 1890 the movement had grown and was better organized, and the Employees' Club did exercise considerable influence in the election of certain of the State officers and certain members of the State legislature in that year.

From Minnesota the movement spread to Iowa, and there is no contradiction of the fact that the railway employees' vote was one of the strongest forces in the State election of the fall of 1891. It also overflowed into Kansas, Nebraska, Missouri, and Texas. Had the election of last November been normal, it is probable that the effect of the Railway Employees' Club vote would have been as visible in two or three of those States then as it had been in Iowa in the preceding year. But in the deluge which occurred all trace of the smaller streams and currents was obliterated. Had the members of the clubs not taken the precaution to do considerable work in the local nominating conventions of both parties, they would be compelled to confess that their campaign of 1892 was a failure.

In Iowa, and at first in Minnesota, attempts were made to represent the movement as a movement of "the corporations." There are no facts to justify this cry. The movement originated with the employees—men from the shops and the yards—and has been managed by them. The membership of the clubs consists

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wholly of employees. In each of the States mentioned above there are from 15,000 to 30,000 railway employees. With the indirect influence that these men can command (among the tradesmen, boarding-house keepers, etc., as above suggested), a vote materially larger than this could, presumably, be controlled. But omitting this consideration and allowing for defections and the omissions of imperfect organization, it is obvious that the railway employees' vote is strong enough in any State to hold the balance of power in an ordinary election.

So far the clubs have admitted and will admit of no negotiations with the State committees of other parties. They hold their own meetings and decide for themselves that such and such a candidate is inimical to their interests as railway employees, and such and such a man is their friend. Then they go to the polls and vote—voting in the main their normal party ticket, scratching only a man here and a man there, their attention being chiefly centred upon members of the boards of railroad commissioners and of the State legislatures.

In Minnesota in 1890 their weight was thrown chiefly in favor of Republicans. In Iowa in 1891 it was given to Democrats. In all States the men whom they oppose are those who have made themselves conspicuous as "granger" and anti-railway politicians. The keynote of the movement and the one plank in the platform of the clubs is that the extreme anti-railroad legislation of late years has reduced the earnings of the companies to a point at which they are unable any longer to keep full forces on their pay-rolls or to pay such wages as they should, and that by this legislation the railway employees are necessarily the immediate sufferers.

A railway party is therefore already in existence, but it is scattered, decentralized and incoherent. It has no recognition from the railway interests themselves—meaning by that "the corporations"—or their officials. On the contrary, a number of the heads of the railway companies regard the movement with profound distrust. None the less it has strength, and the potentiality of much greater strength. And, moreover, though accidentally only, it is working forcibly in behalf of railway interests as a whole.

But the early proportions of a new movement are no index to its permanence or the righteousness of its principles.

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Nothing is easier than to exaggerate the strength and the merits of a young cause. Far more important than any speculations as to the possible strength of a hypothetical party, or an enumeration of the forces and failings of the existing employees' movement in individual States, is the question whether or not there is justice underlying the movement, and whether or not any such great wrong is being done as can need so drastic a remedy as the calling into existence of a new party to right it.

Are the railway presidents and managers right in their apparently unanimous opinion that the regulation of railways by the State (or by the States) has grown to be a persecution or confiscation of their property? Are the railway employees justified in believing that granger legislation is robbing them of their means of living?

The size of the railway interests, with their tremendous investment of capital, is comprehended by few people and, indeed, can hardly be grasped. Perhaps the most striking statement of the magnitude of the railway capital is that made by Professor Hadley: "The capital engaged in banking is but a trifle beside it. The world's whole stock of money of every kind—gold, silver and paper—would purchase only a third of its railroads." The capitalization and bonded debt of the railways of the United States at the beginning of the year 1893 was somewhere about $11,500,000,000. The gross earnings of all the railways in the country during 1891 were about $2,000,000,000, or about six times as large as the entire annual revenue of the United States government. It is difficult to understand how interests so vast can be suffering under persecution, or how it is possible that they can be struggling for their existence.

The writer had occasion some little time since to analyze the reports showing the condition of the railway companies in a number of the Western States, with especial reference to the dividend-paying capacities of the properties. The result was the discovery that in the seven States of Iowa, Minnesota, two Dakotas, Wisconsin, Nebraska and Kansas, there were in all ninety separate companies operating lines. Of these only fifteen earned dividends and seventy-five failed to do so.

In his first report (for the year ending June 30, 1888) the statistician to the Interstate Commerce Commission showed that of all the stocks of the railways of the country $2,500,000,000

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were unproductive of dividends. In his second report (for the year ending June 30, 1889) he showed that $2,621,497,932 were unproductive. In his third report (for the year ending June 30, 1890) he shows that $2,811,526,552 were unproductive.

During these years, of course, the capitalization was also increasing; but not only was the amount of unproductive stock in 1890 absolutely larger than the amount in 1889 or in 1888, but the proportion of unproductive stock to the total amount of stock was also greater. That is to say, that while the unproductive stock in 1888 was 61.67 per cent. of the total, in 1890 it was 63.76 per cent. Only 36 per cent., therefore, of the stock of the railways of the country was earning a dividend, while the rest—or very nearly $3,000,000,000—was absolutely unproductive of revenue to its holders.

This large proportion of unremunerative investment is not equally distributed through the different sections of the country. For purposes of classification and comparison, the Interstate Commerce Commission has divided the railways of the United States into arbitrary territorial groups. In the States of Kansas, Missouri, Arkansas and Colorado, 72.90 per cent. of all stocks is unproductive. In Oregon, Washington, Idaho, California, Utah, and Nevada 83.54 per cent. is unproductive. In Texas 99.99 per cent. is unproductive. The railway systems of these last two groups, viewed as a whole, showed a deficit of earnings below operating expenses and fixed charges of over eight millions of dollars.

In the territory west of the line formed by the Mississippi and Missouri rivers there were 51,256 miles of line which made returns to the Interstate Commerce Commission, being almost exactly one-third of the entire mileage on which the Commission bases its calculations, viz., 156,404 miles. Supposing these 51,256 miles of line to have been one property their entire net earnings, after paying operating expenses and fixed charges, would have been for the year 1889 $594,419. The amount of the capital stock of these lines was $1,326,535,625 and the above net earnings on this amount to .04 per cent.—one twenty-fifth of one per cent.

With four times as many miles of road, the net earnings on these Western lines were less than one-third of the net earnings of the group of lines in the two Virginias and two Carolinas. With considerably more than double the mileage of the lines in the group including the States of Kentucky, Tennessee, Missis-

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sippi, Alabama, Georgia, and Florida, their net earnings were barely one-eighth as large. With more than seven times the mileage of the lines in the New England States their earnings were less than one-twentieth as large. With considerably more than double the mileage of the lines in New York, New Jersey, Maryland, Delaware, and Pennsylvania their net earnings were only one-seventieth as large. These calculations might be continued almost indefinitely.

The common argument with which all statements of the unprofitableness of railway capital are met is that railway capital is largely watered, that it represents small investment and that it does not deserve to be profitable. But is it possible that all the capital stock of these lines—one-third of the railway mileage of the country—is "water"? Do the $1,326,535,625 represent no investment whatever? I doubt if there is any well-informed authority on railway affairs in the country who believes that the railways of the United States could be duplicated to-day for the $11,500,000,000 of their capital and bonded debt.

Colossal individual fortunes have been made out of railways, and while these fortunes exist it is easy for the demagogue to point to them and convince an uninformed audience that the talk of the poverty of the railways is nonsense. But it is as frivolous to cite a fortune made in the manipulation of stocks as an evidence of the profitableness of the operation of railways as it would be to advance a fortune made in the wheat ring as a proof that farming pays. Wall Street fortunes are not built up of dividends; and the impoverished or bankrupt property offers certainly not the least inviting field for the unscrupulous or "bold" speculator.

I have outlined above some of the conditions surrounding the railways of the West to-day—the conditions which cause railway presidents and managers to talk of the necessity of forming a new party, and which the railway employees consider sufficient to justify them in organizing to prevent further anti-railway legislation. I have done it in the hope that it may contribute something towards the enlightenment of what the president of Harvard College calls the "uninformed public opinion of the West." The facts about railway finances are but little understood as yet, and Prof. H. C. Adams, in his first statistical report to the Interstate Commerce Commission, expressed the opinion that

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"it is more than likely that if the facts pertaining to railroads were properly collected, massed and interpreted, the demand for a very considerable increase of legislation, which would otherwise be necessary, will disappear."

Since the delivery of the opinions in the granger cases, the United States courts have taken many opportunities to restrain the States from excessive "regulation" of railway properties. The right of the State to control the railways is no longer a matter of argument, but since that right was established the courts have further held at different times that this right of regulation is itself not without limitation; that the power to regulate is not the power to destroy; that railway companies have a right to live; that they cannot be compelled to carry persons or freight without reward, and that railway capital is entitled to some "compensation" over and above the payment of wages, operating expenses and fixed charges. In what are known as the Minnesota Rate cases the Supreme Court of the United States withheld the Railroad Commission of that State from the enforcement of an order which would have involved the most flagrant and obvious confiscation of railway property; and orders which seem to railway men at least to be no less unjust and unconstitutional are to-day being enforced, or sought to be enforced, by the commissions of Texas, of Kansas, of Iowa—and perhaps of other States. From one, if not from all, of these States cases similar to the Minnesota cases are likely to be carried to the United States Supreme Court and passed upon there. So, point by point, the tribunal which gave to the State forever its power to control its railways is shutting the doors against the abuse of that power. But the process is a slow one. Meanwhile Mr. A. F. Walker, the chairman of the joint committee of the Trunk Line and Central Traffic associations, prophesies that if things go on as they are going now, before long "the managers of the railways will be chiefly receivers." In the year 1891 receivers were appointed for twenty-six companies in the United States, representing $84,479,000 of capital, and twenty-one companies with 3,223 miles of road with a capitalization of $186,000,000 were sold under foreclosure.

It is doubtful whether the result which Mr. Walker foretells would be regarded as a calamity by the "uninformed public opinion of the West." That Minnesota railroad commissioner

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was quite sure of the public applause before he made his classic declaration that he proposed to "shake the railroads over Hell" before he had done with them, and the Governor of Iowa, who announced that he did not care if "every d—d railroad in the State went into bankruptcy" before the expiration of his term of office, knew that the sentiment would have the sympathies of his constituents. This attitude of the Western mind is, of course largely explained by the fact that the people of the West do not as a rule own railway securities. In two States (the only two in the West in which, so far as I am aware, the figures have been compiled) out of 27,645 stockholders in the lines within the State borders only 359 are residents of the States. If the other 27,286 were also residents of these States (that is to say, if 27,286 of the present residents were also stockholders in the railways) it is probable that the ferocity of the public opinion in these States against railways would be materially modified.

HARRY P. ROBINSON.

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THE ANN ARBOR STRIKE.

BY FRANK P. SARGENT, GRAND MASTER OF THE BROTHERHOOD OF LOCOMOTIVE FIREMEN.

A STRIKE is a declaration of war. It is therefore the policy of the Brotherhood of Locomotive Firemen to discourage strikes, and adopt other methods for the settlement of disagreements with employers, strictly in accordance with common sense, always having in view the welfare of the parties to the controversy. To verify this statement, it is only necessary to refer to the constitution and laws of the Brotherhood, which are eminently conservative and democratic.

The laws of the Brotherhood recognize the sovereignty of the membership. They confer no arbitrary power upon the Chief Executive of the Order. He cannot "order" a strike. He cannot "call out" the men. He cannot arrest the business of railroads. In this connection, it may be prudent to briefly outline what is required to engage in a strike. First, a grievance committee states definitely to the proper officials of a railroad the particular wrongs which it is desirable to have corrected. If the official to whom application is made gives audience to the committee, matters are fully discussed and in a vast majority of cases a satisfactory arrangement results. If, however, an agreement is not arrived at, the Chief Executive of the Order is notified, and, when made entirely familiar with the situation, he takes up the case and presents it, if permitted, to the highest official of the corporation. If a conference is granted, the grievances are discussed and earnest efforts made, on the part of the Brotherhood, to reach satisfactory conclusions and if possible to avoid a strike. Concessions are usually made and compromises agreed upon, but if, finally, no agreement results, a strike does not, necessarily, occur at once. On the contrary, the laws of the

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Order require that the road or system be canvassed, for a strike cannot be declared unless two-thirds of the men interested vote in favor thereof, and then only when sanctioned by the Grand Master in conjunction with the committee having the matter in charge. It will be observed that the Brotherhood has adopted, to the extent of its power, wise precautions against everything hasty or ill-advised, calculated to precipitate a strike.

In the case of the strike on the Toledo, Ann Arbor and North Michigan Railroad, which occurred on March 8th, every precaution here outlined was taken, and every movement on the part of the members of the Order was deliberate and lawful. There was not an instance of insubordination; nothing turbulent or seditious. Men had appealed to their employers like men, to have serious and grievous wrongs redressed in a manly way, as became good and law-abiding citizens. They had been overworked and underpaid. Their employers had violated contracts and had subjected them to outrageous treatment, and mocked at their complaints. Their pleadings and protests had availed not, and when endurance and patience had ceased to be virtues, when all efforts to find redress had utterly failed, then, and only then, did they strike; only then did they assert their manhood, their rights as citizens and abandon their work, preferring idleness and the sacrifices which idleness entails, to the degradation which injustice and insolence force upon the unresisting.

I am writing, as is my province, particularly for the Brotherhood of Locomotive Firemen, though entirely familiar with all the acts and movements of the Brotherhood of Locomotive Engineers, which, owing to its law relating to boycotting railroads, has had special prominence in this strike. I may state, however, that the laws relating to strikes are practically the same in both brotherhoods, with the exception of the law providing for boycotts, which the Firemen's Brotherhood omits.

The strike on the Toledo, Ann Arbor and North Michigan Railroad had no extraordinary features, but the interferences of the United States judges have given it national prominence, and if the dictum of these judges is to stand as the law, the dearest rights of the citizen are swept away and an autocracy is established. This view of the situation is not strained, but is strictly in consonance with the avowals of the press throughout the country. The questions of law involved are fundamental and are commanding, as they

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should command, the best thought of the nation. It has hitherto been conceded that railroad employees possessed all the rights as citizens which attached to their employers, that is to say, that if employers possessed the right to discharge employees, when it pleased them to exercise such authority, the employee also possessed the right, unchallenged, to quit work when he elected to exercise that right. If a judge of a United States Court may abolish this right of an employee, he remands him, unequivocally, to a servitude as degrading as the Spartans imposed upon their helots, and it is this phase of the strike which has aroused such intense concern and alarm.

It will not be expected that I should enter upon a discussion of the legal points involved; at best I can only voice the sentiments of a body of law-abiding men who have been trained by their organizations to respect laws and the decisions of courts, and who find themselves suddenly reduced to the condition of peonage by the decision of a United States judge. The learned judge, in his decision, finds it convenient to omit all reference to the duties of railroad magnates, and devotes his attention to employees, intimating to them that, having sought employment upon railroads, they have become, by some legal hocus-pocus, a part of its machinery to remain during the pleasure of their employer. In handing down such a judicial opinion, the judge seeks to bury out of sight the inalienable right of a railroad employee to liberty and the pursuit of happiness. If an engineer, he is welded to the throttle of his engine; if a fireman, he can lay down his pick and scoop only when his master gives him permission. The Interstate Commerce law is invoked, it is true, and the whys and wherefores of the boycott are involved, but the judge, disdaining to be exact, gives employees to understand that once becoming engineers or firemen, they part with their rights as citizens and are links in a chain gang of railroad employees, because they are in some sense public servants, and the exercise of the prerogative to quit work is productive of inconvenience. But it will be observed that no reference is made to public needs or inconvenience, when an official, without notice or warning, at his own sweet pleasure, discharges an employee.

It has been suggested that a railroad employee, when he accepts service, enlists—something after the manner of a private soldier in the regular army of the United States—placing himself under

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the control of officers, from corporal to the commander of the company, regiment or division, and therefore can neither quit nor resign, but is held by some mysterious power recently discovered by a United States judge. True, it may be, that neither railroad men nor the public profess to understand clearly what the judge means, but the best efforts that have been made to comprehend his declarations lead to the conclusion that they restrict the rights of employees and indefinitely enlarge the rights of employers. For myself, I do not regret that a United States judge has forced upon public attention questions of such acknowledged gravity. The time has come for workingmen to know if they have any rights which the courts are bound to respect, or if these rights may be at any time abrogated to meet the demands of corporations or the combined capitalistic power. The United States judge at Toledo has started the controversy, and I desire to have it proceed until the unquestioned rights of railroad employees, if rights they have, are established, as also the rights of their employers.

It is asserted that railroads become common carriers, but are unable to perform their obligations without men. They must have men, and it should be stated they must have engines, fuel, water, steam, tracks, switches, etc. The locomotives and equipments can be purchased and become the property of the road, but they are useless without the men, and these, once secured, the general manager, speaking as if by authority, intimates that they become fixtures, because without them, as without engines, the obligations of the railroads cannot be performed; such is the new-fangled logic relied upon to reduce railroad trainmen to machines, to do the bidding of masters with authority conferred by a United States judge.

It is not surprising, therefore, that this strike created intense solicitude throughout the country. It is held, so far as the men can discern, and many of them are thinkers of acute penetration, that the rights of workingmen are in imminent peril. In at least one notable instance a United States judge has shown his utter contempt for a sovereign State and the laws made in conformity with the constitution, and has sent county officials to prison, because they would not disregard their oaths and obey his mandate—and it will be readily conceded, if such a high-handed outrage can be perpetrated

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and the judge remain unimpeached, that a judge may, with equal impunity, subject railroad employees to autocratic indignities. Such acts on the part of judges may lead to a movement to define the limits of judicial power, since, if it is as far-reaching as I have indicated, the demand to know the worst will grow in emphasis until the worst is known, and the present is as favorable a period as will ever occur in the history of workingmen or of the country for adjustments and readjustments.

A railroad man myself, knowing by experience the duties of a locomotive fireman, and speaking as I do for an Order whose membership reaches thirty thousand men, it affords me special pleasure to place upon record the fact that the great body of these men comprehend the value of railroads to the country. They have not in the past, nor are they now, making any demands upon railroad corporations not warranted by justice and fair dealing, nor do they stand in need of any lecturing from a United States judge, or any other ermined representative of the law, to teach them their duty. These locomotive firemen are profoundly interested in the growth and expansion of American railroads, they desire their prosperity, because their own welfare is identified largely with their triumphal march; but if railroads, under the decisions of courts or any other power, are to batter down the rights and prerogatives of employees, if the workmen are to witness the creation of a cabal of petty tyrants, and find themselves shorn of privileges hitherto regarded as birthrights, then, in that case, it were better that no railroad track had ever been laid, better that the wilderness should be restored and the land given back to wild men and wild beasts.

One of the most conservative papers in the country, referring editorially to the declaration of a United States judge, says that "The decision of the United States Court at Toledo, O., to the effect that railroad employees can be compelled to perform the service for which they are employed, regardless of the orders or regulations of any labor organization, is a very important one in its bearing upon the relations of employers and employees. It makes a distinction between such workmen and those engaged in other forms of industry on the ground that their service is of a public character, and that society is particularly interested not only in the way in which they perform their duties while they continue in that service, but also in the time and circumstances

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under which they quit such employment. They have not the right, Judge Ricks tells them, to choose their own time and place for terminating their service. 'Your employers owe a high duty to the public,' he says, 'which they are compelled to perform under severe penalties of the law, and they have, in turn, a higher claim upon you and your service than that due from the ordinary employee.'" And after some further comment, the remark is made that "This is a new judicial departure, and its outcome will be awaited with general interest." It is this "new departure" that contains the germ of an odious autocracy created specially for the degradation of a special class of railroad employees. No wonder that the writer declares that "its outcome will be awaited with interest." The expression "general interest" puts the case in its mildest form. The language of the judge, it would be prudent to say, creates general alarm; like the phenomena that precede cyclones and earthquakes, it presages other troubles, compared with which the Toledo strike will be insignificant.

Fortunately, it is held that the court has assumed authority which it does not possess; that its dictum is extra-judicial; that it does not possess the authority to reduce men to machines or to a commodity; that rights acquired by revolution, war and legislation cannot be crushed and overwhelmed by a District judge at his pleasure. But it so happens that while men debate such propositions, embodying self-evident truths, the court, with an iron grip, holds freemen in bondage, and the victims are as powerless as when, under another exhibition of power, men were sold at the auction block.

I am not disposed to criticise railroad corporations or railroad officials. My experience leads to the conclusion that in a majority of cases there is a disposition to deal fairly with the employees and to give prompt attention to grievances. There are exceptions, as in the case under consideration, and however few and far between these unusual cases may be, they are the ones which create the unrest in the ranks of employees. Pending final decisions the organizations involved will wait and watch, and if finally the court's decision is sustained I do not doubt that action will be taken to regain the liberties the court has trampled upon.

FRANK P. SARGENT.

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IMMORTALITY AND AGNOSTICISM.

BY ELIZABETH STUART PHELPS AND JOHN BURROUGHS.

I.—"THE GATES AJAR"—TWENTY-FIVE YEARS AFTER.

BY ELIZABETH STUART PHELPS, AUTHOR OF "THE GATES AJAR," "BEYOND THE GATES," "THE GATES BETWEEN," ETC.

IT MAY be called either a disadvantage or an advantage that, when a writer has begun his career with a large or a lofty subject of discussion he is never quite "let down" from it. Nothing lower or less is expected of him, nor, indeed, is ever really tolerated in him by his public. Subjects which readily become the concern of his fellow writers are instinctively set away as foreign to his rôle in human usefulness. Any treatment on his part of the frailties or follies of human kind is looked upon reluctantly, and criticised by a kind of impulse which may, indeed, be a tribute to him from one point of view, but which has its inconveniences.

We have all sympathized with the afflictions of the literary hero of a popular extravaganza, whose first story was so unhappy a success that no editor in America could be induced to accept any other forever after from the pen of this unfortunate man. We are reminded of his difficulties—although a little remotely, to be sure—in the contemplation of the persistence with which the reading public demands from an author a repetition or renewal of his "specialty." Such a demand may be an obvious misapprehension or a clear inspiration, according to the circumstances; but it is as inevitable as the laws of success or failure, and any wise writer will defer to it as cordially as he can.

I have been led into this thought perforce by the request from THE NORTH AMERICAN REVIEW that I should write the paper to which these paragraphs are the prelude. "Heaven," said a publisher at a very early period of my life, "Heaven is your hobby." Comprehending fully that the writer who began with Heaven, can never be widely and distinctly understood to be a being familiar with earth, I always obey such a celestial subpœna —if one may call it so—with cordial consent.

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I trust that I may be pardoned a little freer use of the personal allusion than is (perhaps my readers may bear me out) habitual with me, since the existence and history of one little book of mine is the primary cause of this paper. I am asked to express or explain my present views of the future life, as compared with those I held at the time *The Gates Ajar* was written.

At first glance it seems that nothing could be simpler, as nothing is more natural. But upon looking the demand squarely in the eye, its difficulties appear such that I have more than once laid down the page, resolved not to take it up again. Then memory took a wide and solemn tour into regions which no man knoweth save only she and the soul of her that is led into the wilderness. And thus came the pause which precedes and decides the graver work of those of us who speak to the gravest things in the hearts of our readers. And in that sober pause the eyes fill—and the soul bows. And the Angel saith unto the pen, "Write."

For the history of a belief and the history of a book may be so far one that it is impossible to disentangle them. To a certain extent this is so true of *The Gates Ajar* and of the faith of its author that no expression of that faith could be well proportioned which should ignore the fact.

The second decade and the fourth decade of life teach such different lessons, or teach the same lessons in such different ways, that no surprise would greet the writer, who in middle life should forswear the reason or the feeling of a book written at twenty years of age. And yet the loving reader of any book would be the first to feel wounded or wronged by this most natural biographical sequence. Not many years ago it fell to me to make certain inquiries (upon a topic connected with a piece of work in hand) of the eminent author of one of the most famous religious biographies of our day. The memoir had made an epoch in the spiritual history of thousands upon thousands of souls. He whose beautiful story it commemorated was of so rare a nature, and had led so lofty a life, that one considered the privilege of being his biographer a sufficient final cause for having been born, and looked upon the Christian ideals of that extraordinary subject as of necessity penetrating the soul of the memorialist—himself a religious and refined man, who had performed his sacred task with unsurpassed delicacy and sympathy. Never shall I forget the little jar and shock which I received upon reading the biographer's

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letter of reply which, after courteously answering my questions, intimated that he had himself so far outgrown that epoch in his life of which the biography was the expression that he could not now call himself in full sympathy with it. Very possibly the idealization of an adoring reader overestimated the lapse—if lapse there were—but it seemed to me at the time as if he had forsworn his own soul.

In the personal case of which it is my lot to write at this time, no such shock, let me hasten to say, could await my kindest, saddest or most confiding reader. *The Gates Ajar* is not yet, and, I pray Heaven it may never be, a work forsworn. It has been the happy fate of this book to illustrate, confirm and illuminate the faith of its young writer to herself. As this paper is not an autobiography, a hint must suffice to suggest the facts which it would crowd chapters to relate, and in a few words it can be told that what I venture to call the human argument for a divine truth, as called into expression by that effort of a girl's pen, has never been overthrown by any counter conclusion of the woman's more mature and cautious religious faith.

The passionate beliefs of youth and the quiet faith of middle life cannot be formulated in the same manner or subjected to the same processes of illustration. Yet similar laws may determine both to an identical conclusion. In either case, I take it, the human argument,—or the argument from the plea of humanity for a satisfactory future life,—must be our main dependence.

The Biblical Revelation throws some light upon our future existence, and no Christian believer would incline to underrate it. But, perhaps, it is timely to say here that I do not lay quite as much stress upon this as I did in youth; having come to believe that it was not one of the primary objects of the Bible to gratify human curiosity in this direction; but by a divine reserve to stimulate both thought and trust, so far as these are affected by the final mysteries which so intimately concern all men.

The familiar proposition of Sir William Hamilton, that God is of practical interest to us only as He is the condition of our immortality, can never be too often brought to our remembrance in any fair dealing with religio-philosophical problems. The great philosopher could afford to say this brave and simple thing, not because he was great, but because he was devout and great; and the most timid of all souls in pious prisons need not fear to

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follow the mental freedom of such a master. With equal simplicity and reverence it may be said that the future life is of interest to us only as it explains the mystery of this. Or, to go further:—the future life is of interest to us only as it justifies the existence of this.

We start at "fair-and-twenty," eager, ardent, imperious, hungry for happiness, petulant with fate, rebellious against anguish and grasping for hope; arrogant to maintain that the personal factor is the conclusive one in life's mysterious problem. At forty, we stand with calmer pulse and failing heart-beat, and the sadder but stiller eye that has become acquainted with existence. We no longer demand and insist in the wrong—perhaps not even in the right—places. We do not hit out from the shoulder at fate. The longing for repose takes the place of the demand for joy, and it is easier to rest than to exact. At too hard a blow, some unexpected day, we fall; and are surprised to find no life left in us to rise to the conflict again. In fine, the liabilities of weakness replace the temptations to be found in the assets of strength.

Our lessons are still before us, and school is not out. The higher mathematics follow the primer. It is only a new phase of the curriculum that we have to meet. Face the facts! Life has still the best of us, and will have to the end. Give over with fighting and frenzy; accept, and conform and obey; for hope or despair substitute trust and patience; but the familiar truth presents itself; existence as a personal problem is still unsolved; and its solution is the most imperative need which fate has left to us.

What has been called the argument of acquired human trust I have elsewhere made use of as holding to my mind the most powerful reasons for a belief in the benevolence of God. It might be said that the simple argument from accumulated human experience is the most useful one that offers itself to us for the support of a rational faith in the desirable nature of the future life. Clearly, experience has taught the happiest of us that the most important questions of our individual lots are unanswered on this side of the grave. It has long since become one of the axioms of the intellectual world that only the superficial or the thoughtless are at ease in the state which we call life. "How can any sensitive and thoughtful man permanently possess good health?"

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Longfellow once asked. "Outside, I laugh," said Dr. Holmes, "but inside I never laugh. The world is too sad."

It is not without significance that the testimony of two such fortunate and, on the whole, happy men comes instinctively to the pen's point, by way of illustrating what we are seeking to say. It is not external success and happiness but internal sensitiveness and perception which are qualified to formulate the human problem. The ignorant man pauses far behind it, like the Celtic friend who said: "As long as I get a roof over me head and clothes on me back and food in me stomach, I'm askin' no more. I've got nothin' against this world beyont." What stronger argument for a system of universal education in the next life could that simple soul advance, than was unconsciously crowded into these thirty words?

As this paper is not an essay to prove the doctrine of immortality, which is assumed for our purpose as a point already sufficiently well settled by human intelligence; so it may be said that it does not require too many pages of THE REVIEW to prove that human life, at its best, is a sad affair. Simple to triteness as this observation is, it cannot easily be offered in these days when culture and religion are both forced to an exotic warmth which it is the fashion to call optimism. It requires some courage to say, point blank, that this life is, so far as this world goes, taken as a whole, a failure. Our great-grandfathers made nothing of conceding this obvious truth. But we are wiser if not happier than they. Call it what you please, the fact remains. The human argument is the simplest and most sensible that we have for the nature of the life which we believe is to follow this. And accumulated human experience testifies all one way,—its joy and its sorrow, its success and its disappointment, its hope and its despair,—all go to prove, and, rightly looked at, equally go to prove that existence upon this earth is not a whole but a fragment. If a fragment, it must be either nebulous or meteoric; undeveloped and selected, or overdeveloped and rejected. This is simple science. It is in keeping with the whole system of things to take a choice between these two explanations of the history of our planet. Ruin or growth —dissolution or evolution—that is the alternative.

Not to pursue the point, which would be an interesting one if space permitted a little metaphysical détour, it is enough to say that this paper is written for those who are not prepared to con-

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sider this as a rejected world, but as a selected one ; who believe that growth is clearly the law, and blight the accident, and who are, therefore, educated to view the fragmentary nature of this life as so much ground for expecting its future adjustment to a symmetrical whole. In truth, the trend of modern thought can never go very far beyond the simple premises of earlier and less querulous philosophy. We do not say a new thing, but we cannot say a truer than this, in short :—The incompleteness of the present life is the strongest argument that we possess for the probable completeness of another. How else are we going to account for the awful waste of material which goes on forever in our dark history ? How else explain the terrible corrosion of suffering upon sensitiveness ? How explain what otherwise were superfluous sacrifice and wanton cruelty ?

An ignorant mother puts a baby into a cooling cook-stove to keep the infant warm while she leaves the house. The father comes home, unacquainted with the circumstance, lights the fire, and roasts the child. A fireman, heroic to save life, is trapped at the top of a burning building whose roof-hydrant he has climbed to open ; seeks escape by the nearest electric cable, and is dashed eight stories to the frozen ground. The noblest man in the regiment—young, beautiful, gifted, pure and strong—crosses before the fire to help a wounded comrade, and is picked off by the shrewdest bullet in the enemy's lines. There drops the promise of more grace, more power, more high-mindedness and sensitiveness, more aspiration and achievement—more of the finest values of existence—than the whole cause of the petty war which murdered him could have compassed, if it had been won without a blow. A healthy, happy young creature on a gala day takes the train that is foredoomed to a collision ; and for thirty, forty, fifty years an invalid upon a "mattress-grave" lies staring at the walls of a coffin-room and mutters : "Why?" A motherless girl, too young for the knowledge of the tree of good and evil, errs for love, and her broken life sinks into a nameless, unforgiven and irreclaimable shame, which finds no respite till it finds the grave. A child is born without eye-sight, speech or hearing—lives to be a very old person—and patiently passes out of existence. The first sentence which the expert teaches this poor prisoner of mystery to write affirms that "God is good."

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Good? If a world where such tragedies are past computation contains no promise of compensation and justification in another—no! Good? Yes, as God lives and reason is,—because mystery and misery and waste and sin shall find their justification in the happiness and the holiness of the celestial economy which death reveals.

Because this life is what it is; *because* it is a thing fatally incomplete, we have the intellectual and the moral right to expect its glad and pure completion in another state. Such being the liberal and reasonable belief of experience and maturity, one is surprised to find how easily it leads us in the direction which the fancy and the fever of youthful imagination so boldly and so imperiously took.

How naively and how trustfully the young life demanded of its Creator its soul's desire, and used the foundations of all Heaven to support that personal structure! And yet how humbly and how thoughtfully the chastened faith of middle life returns to a view of the future scarcely strange to that familiar dream.

It was no less than Aristotle who taught us that wonder was the first cause of all philosophy; and "belief," a great metaphysician has said, "always precedes knowledge." If this world is a failure, some other, let us believe, must be a success.

If, in this life, the soul is sickened by its own defects, it must in some life have strength and opportunity to cast them off. The most consuming desire known to human nature—the passion for purity—may grow out of experience of error and what theologians call repentance for sin insists upon space to exist, as much as the roots or trunk of an oak. If here we have been beaten to pieces by those varieties of suffering to which we give the safe and general name of discipline—since, presumably, man was not created for the purpose of being made miserable—relief from suffering must follow somewhere "as the night the day."

Such assumptions are along the line of the laws of development, and are as reasonable as any pure speculation needs to be.

If the heart has been broken it shall be healed. If the soul has been bruised it shall be solaced. If holy hope has been blighted it shall be brought to bloom. If aspiration has been thwarted it shall be gratified. If guilt has been sublimated into sorrow and resolve it shall be forgiven. If desolation has blasted the nature

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it shall be comforted. If valuable self-sacrifice has been wasted it shall be redeemed. If the ties of home have been torn they shall be renewed.

Repair is one of the conditions of growth, and it is as rational to expect these sequences to this defective life as to expect a healthy tree to overgrow the cut of the axe, or a healthy child to recover from a bump on the forehead.

Practically, what does this mean? In point of fact, not of philosophy, what has the mature and reasonable mind to expect concerning the details of the future life? Do we discard the pleasant dreams of youth and a hopeful fancy? "Look!" cried the dying Corot, "Look! How beautiful! I have never seen such admirable landscapes!"

Even as I write this page, a letter, but just received from one of the "great unknown," whose communications haunt a writer's life, falls open at these words:

"Oh, that beautiful Heaven, where are real homes that are *warm* and do not leak like mine does!"

A scholarly essay has recently been written by one of the most eminent of living scientists, to prove that hell is a location which has been much misunderstood, and which is, in fact, an agreeable place of residence. Shall the Christian student find no reasonable ground for saying at least as much of Heaven?

Are we to have no more homes and communities and sweet neighborhoods, and the graces of arts and letters and science, and fair moods of weather and fine phases of scenery, and splendors of beauty, and raptures of fruition and surprises of achievement and comforts of love?

Do we leave them all behind us with the "piano," which was the obstinate stumbling block and cause of offense to hundreds of religious and unimaginative readers of *The Gates Ajar?*

But why?

The next world being of interest to us only so far as it justifies the existence of this, the next world clearly is bound to remedy the defects of this. One does not offer this suggestion with a breath of flippancy, but may reverently and solemnly defend and maintain it. If God is good, if the soul is personally immortal—and both of these conditions are here assumed—then the future life will atone for the errors and miseries of this, naturally, lawfully, logically and inevitably.

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Individual immortality presupposes personal character, tastes, desires, demands and necessities. The goodness of God is under awful and glorious bonds to provide for them. Did He create life to be blighted, hope to be wasted, the home idea to be devastated, hearts to be broken, souls to be shrivelled, high purposes to be thrown to the winds of chance, and holiness to be misled by delusion?

In the reverent pause with which the heart answers these questions, the instinct and the habit of trust in our Creator are gently justified. If God is good, the craving of human nature for a rational, attractive and expansive future life will be satisfied. Since God is good, the wail of the shivering widow under the leaking roof is as important a factor in our argument as the rapture of the great artist whose dying eye perceived celestial landscapes unseen by mortal ken. Because God is good, all good things shall be added unto us. Beyond these old-fashioned, devout phrases the deepest philosophy cannot lead us, and need not go.

After the lapse of nearly thirty years I cannot recall without emotion the letters which fell like the drops of a storm upon the author of the little book, which has served as a text for these pages. They were the letters of the bereaved;—from all countries, all ages, all sorts and conditions of men. They came with the deep, black margins that told their story before the seal was broken. They came with pages half illegible from the stains of tears. Sometimes I used to lay them aside, awaiting a courageous moment to read through the tale of woe which even the personal blessings and affectionate prayers that loaded them could not mitigate. They were destroyed a few years ago;—and they numbered thousands. From every form and phase of misery these outcries rang—and still ring, often yet—in ears that find it impossible to forget or ignore that wail.

How shall I bear this anguish? Comfort me, for I am left desolate! Help me, for my heart is broken! Where is he whom my soul desired? Where is she who was the light of my life? Tell me, tell me that my lips shall touch my vanished child again! Prove to me that I shall find my lost and chosen friend! What is life, for I am sorely smitten? Welcome death if it bring me to my own! Hasten this which you call Heaven, if it means that which you do aver! How knew you this? Did an angel speak it in the ear? Did a spirit guide your pen? Was it a

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dream of the night, or a vision of the day? How prove you this? Do you delude us with a fairy tale, or feed us with the holy faith? Do you believe what your own lips have spoken? Are you a deceiving prophet, sent to confuse the people? Or is the spirit of Almighty God upon you?—

Thus ran the sad entreaty and the stern and inspiring demand. So rang the pitiful, passionate, human outcry, day after day, year upon year—a dirge of despair, a pæan of eternal hope.

Oh, long silent voices of ten thousand unknown sufferers! Your echoes have not ceased their solemn reverberation through the humbled and deferring heart. Thirty years have not taught me higher philosophy than your litany of agony and of consolation. Upon your sacred reasonableness I rest, and to it I return. Yours was the human argument. It shall be found the Divine privilege and duty to recognize it. The Creator will not forever confuse and confound the created. Heaven alone can justify earth; and as God liveth, justification is sure.

ELIZABETH STUART PHELPS.

II.—THE DECADENCE OF THEOLOGY.

BY JOHN BURROUGHS.

THE death of Tennyson the other day with a copy of Shakespeare in his hand instead of the Bible or prayer-book, and with only his family and physician by his bedside, does not seem to have sent any shudder through the orthodox religious world. That a great poet should seek (in his last moments) to lean upon the spirit of another great poet, gone before, is natural enough, too natural, one would think, to suit the supernaturalists. Tennyson was of a profoundly religious nature, but evidently he had worked his way out of the quagmire of the theological creeds. It was a significant death-bed—science watching the body and literature ministering to the soul. Where the parish priest was we are not told. Men's thoughts, in their last hours, are turning less and less to him.

The atmosphere of our time is fast being cleared of the fumes and deadly gases that arose during the carboniferous age of the-

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ology. Renan with his divine gaiety and serene reason, has been one of the forces, that has helped dispel them. Professor Huxley, in his recent volume of essays and discoveries, drives them before him like a gale from the mountains. It would hardly seem possible for any self-respecting theologian to again stand up for what is called the historicity of the New Testament miracles. Yet there be those who look upon all this with uneasiness and distrust.

"Is the spiritual sense decadent?" asks one of our current religious journals, meaning by the spiritual sense the faculty to discern the truth of the current religious dogmas. The writer is forced to the conclusion that this sense is weakening, but takes refuge in the thought that the objects of faith are like the stars in the sky which the sun (science) may obscure, but cannot blot out. It says the agnosticism of Huxley and his kind is but the confession of a child that it cannot see by morning light the moon which it saw at bed-time. The argument of the religious editor frankly admits that there is light in the world, and that it is no temporary or uncertain rush-light either, but the light of the real heavenly luminary itself.

The analogy suggested is no doubt a true one; the difference between our times and the times of our fathers is mainly in the greater light of our day, the light of exact science. We see things as they are; we see how and where the delusions of the past arose, that they were incident to the general obscurity, that these portentous forms that were so real and threatening to our fathers are either shadows or harmless inanimate objects. No doubt we have lost something—something in the direction of poetry and religion, the anthropomorphic gift. Man cannot make the world in his own image, or project himself into it as in the pre-scientific ages. Nature is not so plastic and neutral in the light of the sun as under the light of the moon. The day has its own obscurities and illusions, but they are not those of the night. Things take on less portentous forms; the eye and not the imagination rules. What power there is in mere darkness, or obscurity, itself! Take a person of unenlightened mind, and see what things he will accept, simply because they are mysterious and transcend experience. In my youth the belief in ghosts, haunted houses, witches, signs and warnings, were almost universal among country people; now there is hardly a vestige of such belief left. The change indicated

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is not merely a change of weather as Cardinal Newman thought; it is a change of climate. It is the passing of one geological period into another.

The world is real, and goes its own way. The poet has a harder problem before him; the priest has a harder problem before him, but the men who are to do the world's real work find the problem much easier,—I mean the men who are to clothe, and feed, and shelter, and warm, and transport it,—who are to fight its battles and subdue and reclaim its waste places. Science has its own mysteries and sublimities, and they have this advantage—they are real; they are not the reflection of the mood or the fancy of the observer, they are not the result of obscurity, but of the limitations of the human mind. Knowledge outstrips imagination.

Feeling, emotion, fall helpless before the revelations of science. The height and the depth that surround us, and the power in which our lives are embosomed, which the darkness of earlier ages did not permit us to see, baffle speech. Magnitude, perspective, order, system, connection, is what the light of science reveals to us. How much sentiment, how much poetry and religion we can read in these things depends upon us. The nearness, the privacy, the fireside charm, and the dark-closet fear of nature are gone; in short, its purpose, its affection or hatred, as directed to you and me. The universe is going its own way with no thought of us; to keep in its currents is our life, to cross them is our death. This discovery sends the cosmic chill, with which so many of us are familiar in these days; it makes the religious mind gasp for breath, but we must face it, and still find life sweet under its influence. The world is not yet used to the open air of this thought—the great out-of-doors of it; we are not hardened to it. We have been so long housed in our comfortable little anthropomorphic creeds, with their artificial warmth and light, that when we are suddenly turned out of doors by this thought we experience, I say, the cosmic chill. It is quite probable that future generations, with a more robust religious sense than ours, will have a different feeling in the presence of this discovery.

Behold, what a chill, or series of chills, the religious mind has all along felt under the influence of the revelations of science. Medicine, geology, astronomy—all have convulsed the religious mind. Evolution set the teeth of both priests and laymen chattering, and many of them are chattering still. Those who have

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been acclimated to the thought find new inspiration in it; their religious sense is more vigorous than before. It is like new blood poured into depleted veins.

It is beyond dispute that of the two rival or conflicting conceptions of the universe now pretty familiar to all current readers, the scientific conception and the theological conception, the one is waning or becoming feebler day by day, the other growing stronger day by day. Up to the sixteenth or seventeenth century the theological conception held almost complete possession of man's mind. Only here and there did a bold thinker like Bruno or Roger Bacon chafe under its sway. But in our time the theological conception has been so modified by science that it is hardly recognizable any more. It has been modified by the scientific conception, crowded back and lopped off here and there till but few of its real features remain. When it fully possessed men's minds, as during the long stretch of the theological ages, it cropped out in and colored every department of life and thought. Every event, every fact of history and experience, and every phenomenon of nature was seen through the medium of this conception. Out of it grew the belief in magic, alchemy, astrology, witchcraft, demoniacal possessions, sorcery, apparitions, miracles, charms, exorcisms, etc. These notions fitted perfectly with the theological conception—the conception of a world made and ruled by an anthropomorphic being. The belief in a devil or evil spirit upon whom to saddle all the mischief and disease and disasters became a necessity. How could a benevolent being do or permit these things? A devil must be bad, even if we have to make one.

Think of the time when men really believed in the devil—when they did not simply believe that they believed in him as we do nowadays, but when they believed in him as really as they believed in heat and cold, night and day, life and death; when doctors and theologians guarded their mouths while exorcising an evil spirit lest he jump down their throats. If a man inhaled a little fly by accident his reason might be unhinged by terror lest he had swallowed the devil. The King of Spain used to sleep between two monks to keep the devil off. What a dreadful hue was given to life by this belief; in what a constant state of apprehension and alarm men lived! The insane, the epileptic were of course possessed of the devil. All evil, storms, pestilence, disease, everything malodorous, was the work of evil spirits.

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When the scientific conception began to awaken in many minds, not a step could it take, or cause to be taken, without a collision with the theological conception or its brood of hateful offspring. Hence arose the warfare of science with theology, which is a thrice-told tale. Lecky has written it in his history of Rationalism, Draper has written it, Andrew White has written it, and is now adding his "New Chapters."

Not one foothold has science gained without a struggle. Not one province has theology given up till it was compelled to. But step by step it has been forced to retreat, till at least four-fifths of its territory is now occupied by its great rival. Magic and sorcery, and alchemy and astrology are given up as idle dreams, witchcraft and hob-goblins, and even the good devil are delusions of our fathers. The belief in miracles is narrowed down, among Protestants, to a very small span of history, namely, the New Testament miracles, and even these will probably soon be given up. The medical practitioner no longer uses charms or amulets or fantastic remedies; he is no longer fighting against evil spirits or seeking to thwart the will of God. The devil theory of insanity only lingers here and there in a few minds but, the president of one of our colleges lately declared, in print, his belief in it.

Some of the religious journals have protested against the experiments of the government to compel rain, showing a remnant of the old theological idea that rain is a special providence. Probably the same type of mind is shocked at the audacity of the lightning-rod man; to be consistent it ought to discountenance the umbrella man as well—since to shed the electric fluid by aid of the lightning rod seems no more irreligious than to shed the aqueous fluid by aid of the umbrella. The government agents found men in Virginia who had religious scruples about spraying their grapes against the black rot, and many good people still hold to special providences in their daily lives. Prayer, especially for material good, is a survival of the old theological concept. But for all practical purposes, in medicine, in geology, in astronomy, in the daily ordering of our lives and in the springs of our natural civilization, the theological conception has been overthrown and the scientific conception has taken its place. We no longer tremble at an eclipse, or at a comet, or see in the northern lights the gleam of the fires of hell. We have learned something of the laws of storms and the causes of pesti-

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lence, and have found that cleanliness is a better safeguard against fever than fasting or prayer.

But what is the scientific conception of the universe? The idea in its simplest form is implied in the statement that such and such an event or such and such a course of conduct is according to nature, or else is against nature, thereby recognizing the fact that there is an inherent order or sequence in the course of natural events. To find out this order and formulate it is the object of science, and leads to the scientific conception of the universe. To adjust our lives to it and avail ourselves of it is the success of our material civilization. In this conception the material universe is self-existent, self-governed, without beginning and without end, having no limits in time nor bounds in space. It leads us to the conviction that the sum of physical forces is constant, that the laws of causation and the conservation of energy are everywhere operative, but without initiation and without finality.

There is the same difficulty in placing limits to time, that there are in placing limits to space. Both are unthinkable. The annihilation of matter and the creation of matter *ex nihilo* are alike unthinkable. The man of science finds the order of nature rational, that is, effects are always linked with causes, that uniformity is never broken, that nothing is interpolated but follows in due course, in short that evolution and not special creation is the key to nature. It follows that man is of animal origin, that he is fitted to his environment rather than it to him, that nature befriends and furthers him when he obeys her laws, and crushes him when he crosses them. Science knows no other plan of redemption than the survival of the fittest, knows no other day of creation than this day, knows no other fall of man save the present daily fall of ignorance and vice, knows no heaven or hell save those we make for ourselves, knows no immortality save the persistence of life and force, and finally knows no God save the infinite Power that fills and floats all things.

Science does not prove that miracles or the supernatural are impossible, but it begets in the mind a conception of the universe which finds no place for these things. It discloses a harmony and a completeness which leaves no room for alien and extraneous forces. It is a complete solvent of the old notions. Theology recognized it as its mortal enemy at once and has fought it inch by inch. Every generalization of science has been so much terri-

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tory wrested from theology. What a blow to it was the Copernican system of astronomy! How Newton cut under it with his law of gravitation, how Darwin with his theory of the origin of species! It has been shorn of its influence like the Pope of his temporal power, it is confided almost entirely to the region of the unverifiable, and there it is safe. It may hurl its anathemas at the man of science, it may grant or refuse future probation to the heathen, it may consign the pagan philosophers to purgatory, it may damn infants, or indorse murderers, it may call itself Calvinism, or Methodism, or Catholicism, or Millerism, and the Time Spirit will look on content. Any spiritual influence it may still have over the masses, any power to brighten and elevate men's lives science can thoroughly appreciate. But even its spiritual power is waning fast.

The principle of the unity and completeness of nature, or this perception of nature as an entity, a thing in and of itself, is comparatively a recent evolution. Our fathers had it but feebly, our remote theological ancestors not at all. But there is a growing conviction in the human mind to-day that the forces of nature are constant and adequate to all the phenomena of the visible world, and that there is no room and never has been any room for the introduction of forces extra-natural. Akin to this, and a part of it, is the feeling that any system of religion to be credible must be in line with the rest of our knowledge. That we apprehend moral, philosophical, artistic and scientific truth with our normal faculties, but religious truth with a faculty that is a special gift from some power above us and that is not in any way related to the former, is a view hostile to the scientific synthesis. Our spiritual knowledge cannot contradict our natural knowledge. Faith must supplement, not forestall reason. If the law of evolution is not continuous, and if it is not adequate to cover the whole field of human development, religious as well as scientific, then we must find the law that is.

We make a monstrosity of creation when we make it half natural and half supernatural. If religion is something that has only an accidental relation to a man's natural capacity for goodness, and sin something which has only an accidental relation to his natural defects and shortcomings, then are those things contradictory of the rest of our knowledge. Why the man of science has difficulty with the current faith is because it will not fit in

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with the scheme of things which science discloses. It is an anomaly, an exception.

If a preacher were to say: "My friends, we are all brothers of the man Jesus Christ, flesh of his flesh and bone of his bone; what he felt we may feel; what he saw we may see; what he did we may do; we have in kind, though may be not in degree, the same power and capacities he had; we can live as pure, as noble, as disinterested a life as he lived; we may show, in a measure, the same meekness, gentleness, humility, unselfishness, lovingness, charity, truthfulness, brotherliness as he showed, and the coming to him means coming to our better selves, to the Jesus within us, to our capacity to be and do like him," we should understand him. He would be speaking words of soberness and truth. If he were to say that salvation by Jesus Christ meant salvation by cultivating Christ-like qualities, not the believing this or that about Christ, but by living up to the Christ-like ideal,—if he were to say these or the like things his words would be strong by the whole weight of science and of human experience. What he does say or do, is to unfold the plan of salvation, in which such terms as the council of the God-head, the fall of man, imputed guilt, vicarious atonement, etc., play the leading parts.

My orthodox brother will charge that I speak as a natural man to whom these things are foolishness. Well, the natural man has come a good way to the front these latter days. He will not be sat down on with impunity any longer. He is backed up as he has never been before. Time was when he was utterly squelched and disposed of by simply telling him that he was the natural man, one with natural forces, with the carnal, unregenerate, devil-beridden natural world, and that all good things were on the side of the extra-natural or theological man. He was a poor, lost and ruined creature—an outcast in the universe. But how are the tables turned. It is your theological man, your man of miracles and special providences, of witches and demons, of riddles and revelations, who is on the defensive now. He is stripped almost naked; he has barely a foot of ground to stand upon.

The natural man, the man of reason, has the whole of science, the enormous sum of human knowledge, the whole visible order of the universe on his side. Our civilization is his, the future is his, the stars in their courses fight for him. We have learned, if we have learned anything, that spirit loves matter, that it blooms out

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of it, and that it is from within and not from without that salvation comes; that the race of man has had many saviors and must have many more. The enigmas of the old theology are exploded; religion takes its place in line with other normal forces, unfolding out of man as surely as his poetry or his art. It is natural or it is nothing. No matter how truly supernatural the devotee may think his religion, his very delusion is natural. Those poor wretches who confessed themselves witches during the witch-ridden age were the victims of a natural delusion.

In all religious matters, in fact in all subjective matters, we are fast coming to see that truth is not a fixed quantity that may be seized upon and monopolized by any sect or church. We are beginning to see even further than that. We are beginning to see that there are no distinctively religious truths—that all truth is one, that the faculties that distinguish truth from falsehood in any sphere are always one and the same. Religion is a sentiment, and is true as a sentiment—it is real, but the objects of faith may be real and they may not. They are not truths unless they are verifiable. The world within we re-create daily. The outer world is always the same. It is only our ability to deal with it that fluctuates. Hence the facts of science, so far as they are facts, are constant, while systems of ethics, religions, philosophies, theories of this or that, are in endless mutation. Pilate's question: "What is the Truth?" was not the question of a scoffer. What, indeed, is the truth about the melting and changing forms and figures we see in the cloud-land of man's moral and religious experience? That there is or can be no final truths in these matters, in the sense in which there are final truths in science, we are beginning slowly to see.

When religion imitates science and formulates a creed in which it seeks to give permanent intellectual form to its so-called truths, it takes a false step. The creed, as we see, soon pinches and must be made over new. When man draws hard and fast lines in religious matters, he soon finds himself compelled to pull down and build larger. The conception of God is being completely made over in the religious conscience of our time. As man becomes more benevolent and merciful he makes himself a more benevolent and merciful God. The God of our Puritan fathers will not do for us at all. The moral difficulties of Calvinism are getting to be as insurmountable as the intellectual difficulties of

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Catholicism. The God of to-day, or the divine ideal towards which the religious conscience of our time is struggling, one may feel some liking for, but the God of the Puritans, of Calvinism, was a monster too terrible to contemplate.

We shall soon enlarge the conception of religion till we shall not use the term at all in a special or restricted sense. We shall see that all lovers of truth are lovers of God. When one pauses to look at it, what utter selfishness or selfism lies at the bottom of the old creeds—the one thought of a man to secure his personal safety from some impending danger. The soldier who is determined to come out of the battle with a whole skin is not the ideal soldier. The man of science, the truth-lover, how much more worthy his self-forgetfulness, his renunciation, which has in view no personal end whatever. The new birth of science—the dropping of all worldly and secondary ends, the absolute devotion to the truth for its own sake—is there anything more truly religious than this? Darwin cared nothing for religion, so called, because his mind and his conscience were enlisted in his science. He was serving God disinterestedly.

"Esaias is very bold and saith, I was found of them that sought me not; I was made manifest to them that asked not after me."

"He judged the cause of the poor and the needy; was not this to know me? saith the Lord."

JOHN BURROUGHS.

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POSSIBLE REFORMATION OF THE DRINK TRAFFIC.

BY THE REV. W. S. RAINSFORD, D. D.

I have been invited to reply in the June number of THE NORTH AMERICAN REVIEW to criticisms on this article and questions arising therefrom. In undertaking to do so I wish it understood that I cannot, of course, promise to even attempt an answer to all questions that may be raised. I have no wish to pose as possessing an encyclopædic knowledge on a subject of such vast proportions and extraordinary difficulty as the drink problem. No sudden cure is possible. No radical reformation can be wrought quickly. The diseased appetites of the multitude are too deeply seated for that. In our day it is only the quack who dares to stand forth with a bunch of "all-heal" in his hand, and when he does stand forth it is only fools who listen to him long. All communication should be addressed to the Rev. W. S. Rainsford, D. D., care of NORTH AMERICAN REVIEW, 3 East Fourteenth street, New York.

ANYONE suggesting the possibility of reforming and purifying the drink traffic, more specially in our large cities, places himself in a position of peculiar difficulty. At first, of necessity, his enemies are mighty and many; his supporters doubtful and few. Ranged against him are the enormous organized forces of alcohol producers and retailers. Next, come the professional politicians whose interests are bound up in many ways with the present system of saloons and corner groggeries. These places are the prolific spawning-beds for dickers and deals. Here such things are born. If they are not the offspring of the saloon, that institution serves as an excellent midwife and wet-nurse to them. It is needless to say that the ordinary temperance reformer and temperance politician cannot be induced to look favorably on any scheme of reform. He is for destroying the trade, root and branch. Here, then, are three groups of opponents, each strong in numbers and resources, each prepared to denounce and oppose with cleverness and bitterness any movement that aims at the reformation of the drink trade itself.

Yet it seems to me that it is just along this line alone that

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a lasting and permanent temperance reform may be worked out. The practical reformer must sit down and count the cost; whether he will be able with ten thousand to meet him that cometh against him with twenty thousand; and by wise disposal of the numbers at his command make up for his inferiority of force. Here temperance agitation and agitators persistently fail. They attempt the impossible. They seek to root out alcohol, both the love of it and the use of it. They might as well seek to root out the use of beef or fish. It seems to me past argument, that in some form or another alcohol is here to stay. I do not know of any temperance movement that even attempts to meet the inevitableness of the use of alcohol squarely. The prohibitionist refuses to draw any distinction between the moderate and the immoderate drinker. All uses of his enemy are, in his view, criminal. The seller, the consumer, are in all cases public enemies to be suppressed by law. Thus the prohibitionist ignores the past of our race, and history with him counts for nothing. His position is one of fanatical hatred. Of all the obstacles that bar the way to a true reform he himself constitutes the worst.*

The coffee-house reformer provides the public with a good thing. For that portion of the community who wish to use coffee his plans are admirable. But neither coffee nor kindred beverages can take the place with the multitudes that alcohol in some form has taken for ages, and, for a long time, will continue to take.

To my mind the advocate of high license, if he gain his way, leaves the sting in the evil business still. His system permits the trade in drink to be pushed and expanded by individual capacity and for individual gain. And as, under his proposed system, licenses would be greatly reduced in number, it simply follows that those holding them would need to exercise a more thorough business capacity, would need to more thoroughly advertise and push their trade, in order to reimburse themselves for the added cost of their license. Nor can the religious reformer hope to achieve much, as long as he confines himself to the present methods in vogue in churches and missions. These deal with the *made* drunkard, while they too often ignore the causes that make him. The made drunkard can be saved, but very seldom is saved; nor

* Here I must say that I do not wish to be understood as asserting that, under certain conditions and in smaller communities, local prohibition may not do much good.

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are we using, it seems to me, in approaching him as we do, chiefly on the emotional side of his nature, the most likely means to deal with his almost hopeless case.

If the foregoing is at all a fair description of the present aims and methods of temperance reform, it seems nothing less than wrong for the church to content herself any longer with such methods. It is inexcusable for Christian people to fancy that in the employment of them they have discharged their responsibility, while in the growing light of knowledge the sources and roots of the evils of intemperance, as well as the far-reaching blight engendered by them, are so much more evidently laid bare to the gaze of the student.

No present temperance move then has, it seems to me, a chance of success. A limited success, of course, they all attain, for any effort to aid our fellow man, that is honestly made, cannot altogether fail of good result. But surely the time is ripe for the entrance on this field of a class of helpers, a class of efforts, so far at least unrecognized and unorganized. I refer to that vast number of moderate-minded men, temperate people in the fullest sense, who deplore drunkenness, but who know full well that, for generations to come, we cannot hope to eliminate the drunkard. These people cannot heartily support any of the present temperance movements, for they themselves are not prepared to banish alcohol in all shapes from their lives, and they therefore feel the inconsistency of demanding that their neighbors should do so. Once move this class, once prove to them, not that the present system, under which the retail drink trade is carried on, is bad, nay, almost the worst possible—for that they know—but that they and they only have power to change and modify it, that they can modify it; and I cannot but believe that something in the way of lasting reform is at least in view.

How is this vast body of temperate opinion to be educated and fused with zeal for the public good? How is it to be educated as to what should be done and what can be done to save the multitudes from the ruin of drink? I know of no other method but that which has been employed so often and so successfully in bringing about various necessary reforms—the method of concrete example. Here and there groups of moderate people must take hold of the evil thing and try to rob it of its worst features.

No field for such effort can possibly be as unpromising as

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that presented by the city of New York, where the drink power is confessedly at its worst. What can be done in New York? One thing is self-evident at the outset. The crowded nature of the city makes places of recreation and social meeting necessary. Clubs, amusement halls, restaurants, play and must continue to play a disproportionately important part in our municipal life. The working people pent up in terribly narrow quarters need such outlets more than do their richer neighbors. To these, even such a place of resort as the present saloon, with all its evils, is, taking it all in all, a boon. To close all of our ten thousand saloons, were such an act possible, without providing some other and better institutions to take their place, would be a calamity to New York and a crime against her.

But why not, it is objected, supply their places with coffee palaces, teetotums, etc.? No doubt good would follow the indefinite multiplication of such resorts. But what are we to do with the mass of the populace that demand alcohol in some shape or other? All temperance schemes simply ignore this very large majority of the working people. The day of paternalism is well nigh over. Education, and a thousand facilities for man's intercourse with man, has opened up to one class the life of the other. The liberty allowed with unquestioning accord to the rich and well-to do cannot be denied to the wage-earners. Whoever dreamed, I ask, of a first-class social club, within whose walls alcohol could not be obtained? Such a club could not exist in this city. To meet the social needs of any class we must look frankly at what those needs are, and not content ourselves with looking at what we wished they were. Nay, we must approach the question, remembering that what men believed their needs to be, these to all intents and purposes are their needs. You may set to work to change slowly that opinion as to need, and so, working from within, you eliminate the evil by educating and raising the standard of need; but this is the only way to revolutionize the social usage of any class of men. To bring about a change in any other way is hopeless.

You may convince the rich man that he does not need alcohol in his club, and then you can banish it from the club. Till you do so convince him you are only fooling yourself and wasting time in seeking to banish it by restriction. You may convince the working people that they are better without alcohol, and so

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induce them to forego its use ; but till you have wrought this change, any scheme of social recreation, any plan for providing places of public entertainment, that shall be in the best sense popular, that shall be acceptable to the masses, is, I say, a chimera, a waste of energy, and an exercise of an unwise and hurtful paternalism. However well-meant, it cannot reach those most in need of aid.

I criticise present temperance methods, then, not because they have not achieved good, but because they have not and cannot cover the whole field of reform. They have done something in educating the public mind ; but we have arrived at a stage in our development where the intemperate advocacy of intemperate temperance is fatal to the best result. Much further I think we cannot go, if we do not win the hearty coöperation of the unused and unorganized forces of moderation. We are very far indeed from being in a position to speak authoritatively on all sides of the drink problem. Rum has been made responsible for more than its admittedly large share of human wretchedness. The necessary data are hard to procure, and the temptation to deal with them in not the most honest fashion is very strong. Account for it as you will, the moderate opinion of the country is profoundly distrustful of statements made by the advocates of temperance ; and yet it is, I think, becoming more and more convinced of the need of scientific knowledge, and more willing to lend a hand in a great work, when the path of duty shall be made plain.

The present saloon embodies, as all know, the worst features of the trade. It is contrived to push the sale of drink and little else but drink. I may be here accused of exaggeration. Some will remind me of the variety, sometimes great, of foods provided at the saloon counter. And I admit that this is measurably true of the better class of saloons ; for the large profit of the present saloon-keeper, when his business is well established, enables him to provide a tempting lunch at or below cost, as well as to pay for his license and to meet other illegitimate charges in the shape of assessments. This being so, it only proves how important to the head of the establishment, under the present system, is the sale of that drink on which alone profit is reaped. His lunches and everything about his place are cunningly contrived by the saloon-keeper as lures to drink. If, as is sometimes unquestionably the case, the

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saloon-keeper uses his influence when he can to check drunkenness, he is certainly the most remarkable instance in modern life of the capacity of strong character to triumph over environment, to rise superior to the instincts of professionalism. To reform the trade, we must seek to alter the very nature of the present drink resort. Its life and mainspring are now private profit. No trade makes so large a return, perhaps, to private enterprise. It is able to pay the brewer and distiller, the saloon-keeper himself, and the politician. Take the profit out of it and you cut its sinews of war. Leave profit in it and, I repeat, that you do not take the sting out of the evil even by reducing the number of saloons; for sharper practice, worse liquor, and more astute business methods will all be used to push the sales.

Mr. Gladstone, speaking in 1890, laid his finger on the root-evil of the present system in the following passage:

"At present, as I understand it, the case of the Government is that the number of public-houses is enormous. Yes, sir; but something else ought to be taken into consideration. Why is it that the position of the public-houses in this country of ours is lower than it is in any other country in Europe? This is the result of the management we have followed, and the number does not in the slightest degree tend to mitigate that statement. I am one of those who see the utmost, incurable, radical and profound mischief from what is called the publicans' monopoly, and not through any fault of the publican, or, indeed, of any one. My firm belief is that as long as the monopoly connected with private interests belongs to the trade, you will never have true and efficient police supervision exercised over the public-houses, and without that they must continue to hold the disparaged and unsatisfactory position which they do hold now and have held for many generations."

The saloon of the future will not only not be run for private profit; it will be shaped to meet the actual needs of the public. It will be a veritable "public-house." Drink is but one factor, we hope a decreasing factor, in the life of the people. Drink, indeed, often gains its hold because the life of its victims is so dull and flat, so utterly devoid of all legitimate amusement and recreation, that they know no other excitement, no other relaxation, than the semi-stupor, the grateful forgetfulness of creeping inebriation. Amusement, variety, aroused interest—these are the true and deadliest foes to the drink habit. If we could only get at the lives of our working people, increasing their variety, and giving them new interests, we would be doing much to loosen the hold intemperance has obtained on the wage-earners. It is evil environ-

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ment that makes drink, fully as much as drink makes environment evil.

The public-house then that the people need, is no mere dram shop; but a commodious meeting-place, a club house. It must provide amusement—music certainly. It needs no standing bar. Its food supply must be plentiful, cheap, varied and well cooked. Milk, coffee, and tea, must be as much its staple trade as beer, wines, and in some cases, perhaps, spirits. It should be a directly business concern, with no savor of crankdom or religion about it. It must embody one aim and one only—the providing of reasonable and healthy amusement and opportunities for social intercourse for the masses of the people, obliged by the vicious circumstances surrounding their homes to secure some space and entertainment away from them. Any sign of philanthropy about it, or any running of it as a reforming agency, foredooms it to failure.

It will be objected that the introduction of any such reforms as these in the drink trade require legislation. In time, when the public are educated more thoroughly on this subject, legislation and legislation of a very thorough sort will be demanded. The intemperate nature of the legislation that has so far been pushed has postponed the day of wise and truly temperate enactments; but that day must come. Sooner or later it will become evident that it is in the highest degree unwise and inexpedient to leave the sale of alcohol in private hands; to permit its manufacture and distribution to be a matter of private enterprise. Some such regulative system as that adopted in Sweden and Norway, where within fifteen years the total sales of spirits has been reduced by one-half, or some improvement on that system, will be adopted here. But pending such a time we can, by concrete example, do much to educate the public as to the most likely methods by which this better state of things may be brought about.

Let me remind all who are disposed to condemn as impossible and hopeless any such attempt to widen the field of Christian responsibility, so that it would include this drink question, that a limited class of persons has most effectually rendered this very service to the community, and is rendering it even now. There are a comparatively small body of people who are always ready to devote themselves to a difficult and unpopular task, and who know that final success must, of necessity, be preceded by many failures. These people are almost invariably members of Chris-

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tian churches; and so it naturally comes to pass that the impetus for such a movement as I suggest must be sought within the churches themselves. Of course I do not advocate, nor have I advocated, the churches as corporations going into the liquor business. This would be both absurd and impossible. As corporations, the churches cannot take hold of any of the social problems that we deal with—the problems of education, of lodging the poor, of organized charity. And yet in each of these fields of necessary reform the churches have led the way in the instruction of the public by methods of concrete example. As an instance it may be noted that very soon it will be impossible to find a large number of little children over three years old wandering our sidewalks and crawling on the door steps, while they drink in the moral and physical diseases of the slums. Why? Because years ago a few—a very few at first—saw the evils consequent on wasted childhood, and there and then planted kindergartens. They were few and far between, dependent on voluntary support, and of course utterly inadequate to the needs of the districts in which they were situated. Yet see what they have done. These few volunteer kindergartens have demonstrated by a concrete example the needs of our children, and our public-school system must soon be made to include a complete system of kindergartens.

Not only in the vital matter of education for the children do we owe much to private enterprise; in almost all departments of our social life it prepares the way of reform, temporarily and very partially occupying the ground, grappling with problems that later on must be taken up by the State.

It seems then altogether timely and wise that groups of people in our large cities should establish "public-houses" where alcohol is sold along with all other foods and drinks that the public need. Such resorts would compete with the saloons, and would do much to cheer the sadly monotonous lives of a large part of our city population. They would have some share in hastening a better time, when an intelligent judgment of the whole of this immensely difficult question will be possible to us; and when the dangers and evils of the drink traffic shall be reduced to a minimum, either by placing the whole trade under honest and independent government supervision, or in the hands of trusted citizens pledged by the terms of their license to make no personal profit.

W. S. RAINSFORD.

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WHICH IS THE BEST FORM OF LIFE INSURANCE?

I.—THE NATURAL-PREMIUM SYSTEM.

BY GEORGE A. LITCHFIELD, PRESIDENT OF THE MASSACHUSETTS BENEFIT LIFE ASSOCIATION.

THE possibilities of pure life insurance are necessarily limited. It may fairly be said that they are embraced in the simple proposition: How best to indemnify against loss occasioned by the death of one whose life is of pecuniary value to another. Safe and certain indemnification at the least possible financial outlay is the end sought. The thrifty wage-earner receives, we will say, one thousand dollars in exchange for his toil, whether of brain or brawn, for a period of one year. The family is thus comfortably provided for. But the thought of death, and of the possibility of the family being subjected to want, occurs to the wage-earner. The thought is disquieting. He casts about for some relief. He thinks of investments, but he has little to invest, and it would take many years for that little, however well invested, to afford an income commensurate with what is liable to be an immediate necessity to those dependent on him. Manifestly what he needs is at once to make available to his dependants, in the event of his death, an income that shall, in part at least, make good to them the loss of his earnings. By a little calculation he finds that his life represents a capital larger than he had supposed. He finds that it would require twenty thousand dollars, invested at five per cent., to produce a sum annually equal to his earnings. Just here the value of pure life insurance is apparent. The first question with him now is, how much of his income can he afford to set aside for the purchase of life insurance, and the second is, how much life insurance will that sum purchase?

He is not a capitalist. He has nothing that represents capital but his life and health applied in the form of productive labor.

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He is not seeking investment. He has no money to put into banking. What money he can spare from the necessities of daily life must be applied to secure the largest indemnity to those who will suffer loss if he dies. Capitalists may speculate with, or invest in any form they please, their surplus funds, but he has no surplus funds to invest; he must buy simple indemnity against the loss that would be occasioned by his death. It is of prime importance with him to know where he can buy safe indemnity at the least possible outlay.

Life insurance may form a co-partnership with banking, but banking is not, and never can be, life insurance. We maintain, therefore, that there are no possibilities in life insurance except to indemnify against the loss of pecuniary value represented by a life. How, then, can such indemnity be best secured? By combining investment or banking with life insurance? We reply, emphatically: No.

The mere statement of one or two undeniable facts will estab lish our position beyond a reasonable doubt.

First, The heavy expense incurred by level-premium life companies in the conduct of the business makes it undesirable. The late Commissioner Tarbox, of Massachusetts, speaking on this point in his report for 1885, said: "For the purposes of safe investment and honest gain a life-insurance company cannot be a fit agent, for two principal reasons: First, nearly or quite a quarter of the investment is consumed for the company's support, and is, therefore, too expensive an investment agency to be a desirable one; secondly, the company is not so well constituted to manage the investment safely and judiciously as are other institutions which administer trust funds. A company can pay out no more than its income, and as it consumes approximately a quarter of its income in expenses it certainly cannot honestly make profitable returns to its patrons however skilfully it may employ the residue of its funds in honest use."

Second, Every dollar invested above the cost of pure insurance reduces by so much the company's risk, for which the applicant pays. If the insurance cost of a risk is one hundred dollars, and the applicant couples with that another hundred dollars for investment, the company's risk is reduced by just one hundred dollars.

Third, If the policy matures by the death of the insured, he

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has paid two hundred dollars for security that he might have purchased for one, and this large over-payment is increasing against him in enormous ratio, and the company is correspondingly relieved as time goes on.

Fourth, In case of failure to persist in his payments, his loss by forfeiture is very greatly increased.

Other reasons might be given, but these are sufficient for our purpose. A single other quotation from the report of Commissioner Tarbox is in point. He says: "Insurance companies refer boastfully to their great accumulations as guarantee of their strength and prosperity. But, besides what the moth may corrupt and the thief may steal, this amassed wealth is constantly environed with perils such as the best prudence cannot surely ward. Liabilities increase as funds increase, and liabilities remain, though funds be lost; while any excess over liability is not the production of the company, but tribute levied from the public. I am strongly persuaded of the impolicy and positive danger of magnifying the banking feature of life-insurance institutions, to accommodate modern plans of tontine speculation and endowment investment."

While we would emphasize the warning sounded by the eminent authority just quoted, we yield to no one in our estimate of the beneficence of pure life insurance, when divested of these extraneous growths that have attached themselves to what is known as the level-premium system of life insurance.

The question then very naturally suggests itself: "Is there a better system?" The writer believes there is, and will briefly give his reasons for this belief. The system to which we refer is known as the natural-premium system. It occupies middle ground between the high-cost-little-insurance-but-large-investment companies of the level-premium system on the one hand, and those companies that represent simple assessment insurance on the other. Whatever is valuable in either of these forms of insurance is represented in the natural-premium system, and whatever is objectionable in these forms is discarded. Advocates of the level-premium system—presumably from ignorance and not from intention—fall into grave errors in their allusions to other forms of insurance. Some of them seem utterly oblivious of the fact that natural-premium insurance represents a system, in relation to which what has been known as

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assessment insurance is as the babe in swaddling clothes to the full-grown man. This is illustrated by the remarks of President Greene, in his able article in the March number of THE REVIEW. He speaks of the "make-shift schemes of the more ambitious of the assessment or natural-premium companies," and then says that they "professedly charge each year only the assessments or premiums necessary to pay the actual death losses and expenses of that year, and nothing for a reserve against the increasing mortality as their policy-holders grow older." Exactly the opposite of this is true of the "ambitious natural-premium companies." These companies lay aside from twenty-five to thirty-three and one-third per cent. of all premiums collected, to apply in the future to increasing cost from increasing age of policy-holders.

Again he says: "They do not agree to pay an absolute sum, only what they can collect by way of assessment up to, and not exceeding, a certain sum. What may be realized on a policy depends wholly on the degree of success in collecting the assessment made to meet it." The exact reverse of this is true. These "ambitious natural-premium companies" write just as absolute a policy as does his own company, and are compelled to do so by the laws of the various States, Massachusetts being the first State to pass such a law. Had President Greene been indulging in a Rip Van Winkle doze for the past fourteen years, he could not have gone further from the facts as applicable to natural-premium insurance of to-day than he has done in the article from which these quotations are made.

In any radical departure from existing forms and customs, whether in the business or scientific world, there is, and must always be, the experimental stage. Gradually, however, that which is valuable secures public recognition and support.

While the natural-premium system of life insurance to-day is the outgrowth of the assessment idea, it nevertheless represents practically a perfected system as the embodiment of the best thought of many of the best informed experts in the insurance world. Ignoring all speculative and investment features of the older system, it offers to the people pure life insurance, based upon the same great laws of life expectancy and mortality which are the foundation principles of level-premium insurance. It includes in its premium rates the same amount for mortuary pur-

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poses that is charged by level-premium companies; it includes an expense cost much less, indeed, than is required by the more cumbersome level-premium system, but ample for the purpose; it provides a loading of thirty-three and one-third per cent. for a reserve fund, fully adequate, it is believed, to meet all contingencies; it writes a policy contract embracing all the valuable features of a life policy in any company; it promises to pay a definite amount upon the decease of the insured and backs up its promise with cash on hand, and differs from the level-premium system only in that it reserves the right, if its calculations shall be shown by experience at any time in the future to be in error, and that a sufficient amount has not been charged, to call upon the insured to make good such deficiency. It is not believed that such a contingency will ever occur, but if it should the integrity of the company can be preserved and every contract fully met at maturity, and no receiver will be required to take the funds of the company "to that bourne" from whence, unfortunately, they so seldom return.

The claim of President McCurdy, in his article in the March number of THE REVIEW, that the individual under the system of combined insurance with investment can make money, is, indeed, as he admits, a paradox, but in the mind of every man who understands the subject a paradox that admits of no elucidation. It is not possible for the individual insurer to make money, except by the loss of his fellow-insurers. That loss may be lessened or increased by the various conditions that enter into the problem. When from twenty to twenty-five per cent. of the entire receipts of a company are swallowed up by expenses there is no possibility of overcoming the loss so as to afford a profitable investment to the contributors as a whole, by any fortuitous circumstances, nor by any application of the principle of compound interest. The favorite device adopted by these companies is to induce the individual insurer to defer any accounting on the part of the company for as long a period as possible, for the very reason suggested by President Greene, viz., "in the hope that so many will die or lapse their policies meantime that their forfeited reserves and savings divided up among those who live and pay through will overcome the effect of extravagance on their particular policies and give them a good thing—not out of the investment capacity of the business as a whole—but out of those who have had to

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drop out by the way and leave all or a part behind them." This loss of the many, least able to afford it, for the profit of the few, best able to suffer a loss, is an evil that menaces the future usefulness of these great institutions, and none know it better than those who administer their affairs.

Under the natural-premium system, pure insurance indemnity is furnished, as safe and secure as under any system, and, because of its less expensive machinery, at scarcely more than one-half the cost. Who can estimate the possibilities of such a system of life insurance, so perfectly adapted to meet the wants of the great middle classes of our people? The result thus far has been that many thousands have availed themselves of its advantages, who would have had no indemnity under any other system. It has already far outstripped the level-premium system, both in the number of its patrons and the amount of indemnity provided, and is as yet in the morning of its brilliant career, while the older system has held the field undisturbed for half a century.

GEORGE A. LITCHFIELD.

II.—THE DISADVANTAGES OF THE LEVEL-PREMIUM SYSTEM.

BY EDWARD B. HARPER, PRESIDENT OF THE MUTUAL RESERVE FUND LIFE ASSOCIATION.

THE principle underlying all insurance is that the insured are themselves the insurers, the losses or misfortunes of the few being partly made up to them by the payments of the many. The ancient Romans had their clubs, each member of which bound himself to contribute his proportion of the amount necessary to indemnify a fellow member for the loss which he might sustain; the Britons had their trade or craft guilds, by means of which the same purpose was served, the principle being extended in many cases to furnishing the necessaries of life for a member in sickness and the money to defray funeral expenses. This gave way to the Friendly Society, which was a still further extension or application of the principle, the widow and the orphans of the deceased member being included in the benefits distributed.

In the modern insurance company the principle is reduced to

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a science ; the careful observation of its operations having furnished data which demonstrate that the cost of the benefits which are provided can be approximated with an accuracy which practically amounts to a certainty.

This is especially true as applied to fire, life, and accident insurance; if it were not so, insurance companies would still be in their experimental stages, and their promises, or contracts, mere speculations, which might or might not be fulfilled. The absurdity of such a theory is self-evident.

Being more familiar with the history and operation of the principle already referred to as applied to life insurance, I shall confine myself to that branch of the business.

An examination of the most reliable documents on the subject reveals the fact that the total amount of life insurance in force throughout the entire civilized world, fifty years ago, was less than our American companies now issue in one year. The following table shows the amount which old-system companies had in force in the whole world for each of the four decades :

Year.	Insurance in Force.
1861	$1,195,000,000
1871	4,247,000,000
1881	5,597,000,000
1891	9,893,000,000

On December 31, 1892, the amount of insurance in force in the whole world, held by old-system companies, was $10,680,000,000. At the close of the same year assessment companies and fraternal orders had outstanding insurance to the amount of over $7,000,000,000, ninety per cent. of which was on the lives of persons residing in the United States.

In 1878 the total insurance in force, on the assessment plan, was a little over $125,000,000, and as the amount in force is now more than $7,000,000,000, the increase during the fifteen years exceeded 500 per cent. The new business written by assessment associations and fraternal orders alone, in 1892, exceeded the total amount of insurance in force in the whole world fifty years ago. Less than fifty years ago friendly societies were not only without the protection of law, but were maligned by both pulpit and press, articles having frequently appeared in the London *Times* and other influential papers grossly misrepresenting such world-renowned and beneficent institutions as the Manchester Unity of Odd Fellows and the Ancient Order of Foresters.

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An idea of what friendly societies have accomplished may be formed from the fact that within a period of less than fifty years over 150,000 widowed families have been assisted, to the extent of nearly $40,000,000, by the Odd Fellows and Foresters alone. The payments by such organizations now amount to many millions of dollars every year, and instead of being denounced as they were formerly, friendly societies, life insurance companies and associations are to-day heartily supported by the governments of all civilized countries, pulpit and press alike uniting in advocating their claims to public confidence.

In the year 1891 alone level-premium and assessment organizations paid policy-holders nearly $150,000,000. In order that the reader may be able to form some idea of this amount of money I have reduced the calculations to the sum paid weekly, which is $2,884,615. The amount paid daily is $410,958. The amount paid by life insurance companies in death claims averages from three to four hundred per cent. in excess of the money which the representatives of the deceased would have received had they invested the same amount with banks or other financial institutions.

Another point of great importance in connection with life insurance, is that the small payments required to keep the policy in force, if not expended in this way, would go for luxuries in the way of clothing, in travelling or other expenses, and would therefore not be to the credit of the estate at the death of the owner. In all such cases it is self-evident that the money paid by the insurance company is clear profit so far as the representatives of the deceased are concerned. Who can estimate the good which the hundred millions paid in death claims in America alone, each year, accomplishes? Let the tens of thousands of widows and the hundreds of thousands of orphans answer. The life-insurance policy, in far too many cases, is all that the widow has for her own and her orphaned children's support.

In 1843, when friendly societies were looked upon in England as objectionable institutions and were opposed by the pulpit and the press, no less than 1,546,000 persons, *i. e.*, nine and one-half per cent. of the then population, received relief through the government. In 1885 the paupers of the United Kingdom of Great Britain and Ireland only numbered 982,000, or only about two and one-half per cent. of the population. There can be no doubt that the change was due, to a very large extent, to the influence

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which life insurance had in educating the people to provide for their loved ones, and in teaching them to practise economy and self-reliance —a conclusion which is confirmed by the statement made by the Registrar-General for Great Britain and Ireland a few years ago, viz., that "Friendly societies saved the nation over $10,000,000 annually in poor rates alone."

There are advantages other than the protection of the widow and the orphan which have been indicated by other articles in this series.

Of course the history of insurance has its seamy side, but reviewing the facts, and taking into consideration the progress which life insurance has made, and the safeguards with which it is now surrounded, there is every reason to believe that the next half-century will witness a degree of prosperity and progress far beyond anything which we can anticipate. The field force of life-insurance companies is of comparatively modern origin and is now a mighty power in advocating its claims; while the literature, which is being circulated, is educating the public and will in time produce great results. The social demands which are made upon the business men of to-day are such that life insurance has become an absolute necessity, and its benefits are being more fully appreciated every year. All classes are now interested in the subject, a result which has been brought about to a very large extent by the rivalry which exists between the representatives of level-premium and assessment companies. The field of operation is large enough to tax the energies of both systems; there has therefore been no necessity for conflict. The men controlling the level-premium companies, who have waged the war, have been their own worst enemies. Their system, if properly conducted, can join hands with the assessment or natural-premium system, and the two unite in the work of providing for the widow and the orphan and in the encouragement of thrift, economy, and prudence.

But it seems to me that it is absolutely impossible for companies furnishing life insurance under the level-premium system to combine security and economy. The law under which they are doing business compels them to have to the credit of all existing policies about fifty per cent. of the premiums which have been paid on them, and which must earn at least four per cent. interest. The money so held is called the "Legal Reserve." No part of

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the reserve belonging to existing policies can be used in the payment of current death claims; and should the death rate be excessive or the company unfortunate in its investments, and the "Legal Reserve" impaired, the company would be declared insolvent and it could not legally write any more new business while the impairment lasted.

During the past twenty years, policy-holders have lost millions of dollars of "Legal Reserves" through the failure of companies which, at the time of their failure, had an income of nearly $3.00 to every $1.00 required for current expenditure. The "Legal Reserve" of such companies, however, had become impaired and therefore they were technically and legally insolvent, and had no alternative but a receiver. The history of the Old Charter Oak is an example of the danger which menaces all companies subject to the "Legal Reserve" regulations. The investment and careful management of the enormous sums, which level-premium companies are now carrying, is already becoming a matter of grave consideration and it requires no profound wisdom to see that the time will come when the "Legal Reserve" requirements of the level-premium system must be modified. Level-premium companies are, by reason of the "Legal Reserve" requirements, self-destructive—the larger they become the greater the danger of insolvency.

It appears, from the New York insurance report for 1891, that the level-premium companies doing business in the State of New York had on the 31st of December, 1891, $711,281,782 in "Legal Reserves" and a total of $3,861,584,383 of insurance in force. If $3,861,584,383 of outstanding insurance requires $711,281,782 of reserves, it follows that it would require at least $7,000,000,000 to carry $40,000,000,000 of insurance.

In a little over thirty years the insurance in force has increased from less than $2,000,000,000 to over $17,000,000,000. If a like increase is experienced for the next thirty years, the insurance in force will then exceed $130,000,000,000.

The safe investment, at the standard rate of interest, of the "Legal Reserve" necessary, under the level-premium system, to carry such an enormous amount of insurance is practically impossible, and therefore it could not be furnished by level-premium companies alone, circumscribed in their operations as they are by "Legal Reserve" requirements.

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The superiority of the natural-premium or assessment system lies in the fact that, while it furnishes insurance at about one-half the rates which old system companies are compelled to charge, it also provides absolute security for the payment of its death losses. Every policy-holder, so long as he continues to profit by the protection furnished, must contribute his proportion of the amount required for death losses and expenses. Consequently, the greater the amount of insurance in force the greater the security; if the premium is not paid when due the policy lapses and the liability ceases. The reserve of companies conducted upon this system is therefore practically unlimited, it entails no expenses for management and can never be squandered in the payment of high salaries or lost in unprofitable investments. In many respects the reserve of the natural-premium or assessment system is like the reserve force of a nation such as the United States; where there is practically no standing army, but where the State has the power, in case it is required, to call out every man who is over eighteen and under forty-five years of age. That such a reserve is amply sufficient for the protection of the American people history has most satisfactorily demonstrated.

A natural-premium or assessment company having a sufficient number of members to take advantage of the law of averages, as applied to its mortality experience, and which makes all its premiums payable within fixed dates, say bi-monthly or quarterly, and has a greater amount of surplus funds than the maximum sum which experience shows will be required for the payment of its death losses, between the dates on which its premiums are payable, furnishes security for the payment of its death losses unsurpassed by any other system of insurance in existence.

EDWARD B. HARPER.

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THE HAWAIIAN SITUATION.

BY THEOPHILUS HARRIS DAVIES, PERSONAL GUARDIAN OF H. R. H. THE PRINCESS KAIULANI OF HAWAII.

I HAVE been asked to contribute a short paper upon the Hawaiian situation, especially from the standpoint which may be supposed to have led to the recent mission of the Princess Kaiulani, accompanied by myself as her guardian, to Washington.

This mission was neither more nor less than an unofficial but very emphatic protest against the errand of the five Hawaiian Commissioners to Washington. I will, therefore, go straight to my subject, and assume that my readers have already seen the article which appeared in the March number of this REVIEW, from the pen of Mr. Thurston, Chairman of the Commission.

That gentleman is described as "ex-Prime Minister of Hawaii, and Chairman of the Hawaiian Annexation Commission." It is important to observe that Mr. Thurston became Prime Minister by the appointment of the Hawaiian Sovereign, under authority of the Hawaiian Constitution; and that the Annexation Commission, of which he is now Chairman, was constituted in defiance of the Sovereign, and of the Constitution, and of the people of Hawaii.

In 1887 Mr. Thurston and Mr. Dole, now President of the Provisional Government, were largely instrumental in preparing the Constitution under which Mr. Thurston became Premier and Mr. Dole Justice of the Supreme Court, and under which Liliuokalani afterwards became sovereign. The Queen and all the five Commissioners are under oath to support that Constitution, and there is no power that can absolve them from that oath except the Hawaiian nation, or its conquerors. But the Commissioners dare not to-day ask the Hawaiian people to sanction the scheme which has brought them to Washington.

On page 270 Mr. Thurston quotes Mr. Blaine's reply to

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the question "How would the United States Government receive an application for annexation?" as follows: "I consider that the acquisition of the islands is of so great importance to the United States that I cannot conceive of such a proposition being refused."

I would very much like to ask Mr. Thurston: "Who put that question to Mr. Blaine, and who authorized the question?"

Queen Liliuokalani was well aware of the compromising position which some Hawaiian officials have assumed, and she and her people have been for many months in a state of alarm and suspicion because of the open advocacy of schemes against the independence of the kingdom.

In October and November of last year, when I happened to be in Honolulu, this question of the independence of the islands was so much discussed, and the autonomy was so publicly threatened, that I am able to quote the following sentence from a letter of mine which was published at the time:

"An impression has been conveyed to the newspapers and the statesmen of other countries that there are men of influence in this country who would be willing to see part of the Hawaiian territory ceded to the United States in return for pecuniary advantages. A suspicion of disloyalty and infidelity has gathered around some of those who ought to be directing Hawaiian affairs, and they have not only lost their own influence, but have played into the hands of worse men, who have at least wit enough to be loyal. We foreigners must so think, and so speak, and so act, as to inspire the Hawaiians—sovereign and people—with confidence in the friendship we profess, making them feel that this flag has no more faithful friends than we who live under its folds."

I saw then that the Queen was getting more and more under the influence of bad advisers, whilst the men who represented the intelligence and industry, and even the integrity of the country, were becoming more and more entangled in the meshes of disloyalty, under the guidance of those who ought to have been leading, instead of abandoning, the Hawaiian nationality which they had sworn to uphold.

I do not deny that there has been very grave cause for dissatisfaction with the legislation and government of the Queen. On the other hand many of her foreign subjects of the better class have shown little patriotism and less tact in the way in which they have met their difficulties. When the Queen knew that some of her white statesmen were not above secretly discussing with the

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civil and naval authorities of a foreign power the mode in which they could best attack the autonomy of the kingdom, is it any wonder that she helplessly strove to recover, even by the impossible means of a new Constitution, the power which these men seemed to her to be using to her country's ruin?

I have thus far endeavored to portray the condition which existed early in December when I left Honolulu.

On one side an ill-advised queen, seeking by intrigue and by unwise, if not disreputable, alliances to save her nationality, but supported by the passionate instincts of nearly the whole Hawaiian people; and on the other side a foreign population, who had in many cases assumed the duties of citizenship without realizing the extent of its responsibilities, and who proclaimed that the commercial interests of the foreign-born must outweigh the national interests of the Hawaiian-born citizen.

We will now revert to Mr. Thurston's article. In perusing the article itself I do not find a single reference to the advantages which are to accrue to the Hawaiian people from the step which it is the object of the Commission to accomplish. The argument is that, under the recent legislation of the United States and Hawaii, American citizens have become so prosperous there that it is the duty of the United States to protect them in that prosperity; and that duty is being urged, not by the Hawaiians themselves, but by the representatives of the very citizens whose prosperity is thus affirmed.

There is no reference to bad government, but in good, honest English Mr. Thurston states (page 280): "American property interests in Hawaii have become so great that it is no longer a simple question of political advantage to the United States, *or of charity or justice to a weak neighbor*, which the authorities at Washington have to deal with; but it is a question involving the fortunes of thousands of their own flesh and blood, and millions of dollars' worth of their own property."

The italics are mine, but those are the words addressed by a Hawaiian statesman to the American people!

I think I have made it perfectly clear that no arguments have been so much as referred to as regards the interests of Hawaiians themselves, and notwithstanding the alleged bad government, the Americans and other foreigners, according to Mr. Thurston, have been fairly prosperous under Hawaiian rule. But about the 12th

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of January, the Queen, with an infatuation which is incredible, accomplished three bad acts, and attempted one unconstitutional act. There was a remedy, and a very proper one; all good men should have stood by the Constitution, and let the Queen see that although she might break her own sovereignty she could not break the Constitution. In order to avoid anarchy the succession to the throne is constitutionally provided for, and in this case the dethronement of the Queen involved automatically the succession of the Princess Kaiulani. With the view of freeing the Princess from any bad court influences and giving her a pure, home training, she was sent (I believe at Mr. Thurston's suggestion) to a quiet English country home, where, and at Brighton, she has spent three or four years in refined society and study; and this year the Princess was to return to Hawaii, after making a prolonged visit to the United States.

If all that was wanted was good government I cannot conceive any better provision than the Constitution placed in the hands of the provisional government. Dethronement of the Queen substituted a well-educated, high-principled girl, who would have been guided by such men as are now the executive of the provisional government. But that was not thorough enough for the extreme men, and so this Commission was hurried off, the Constitution hopelessly defied, and the Hawaiian nation is at present being held by the throat until the Commissioners can induce the United States Government to take the unenviable task off their hands.

I ventured to write to the Hawaiian Minister at Washington, on receipt of the news, earnestly and solemnly remonstrating against this procedure. I pointed out the utter impossibility of the Commission's ever obtaining the sanction of the Hawaiian people to their proposal, and I reminded him that the Princess Kaiulani was eminently qualified for the position which, in case of the Queen's removal, would be hers by right. My efforts were in vain, for after my letter had been referred to the Commission, I merely received by cable the singular message: "Islands transferred; Princess provided for."

Even then I felt certain that neither the government nor the people of the United States had any idea of the actual circumstances in which it was sought to involve them. I knew that at

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some time or other the fact would have to be disclosed, that out of 14,000 electors at least 10,000 would be utterly averse to annexation; and I knew the American people well enough to feel assured that they would reject with scorn the proposal that they should thus violate their own pledge of friendship, especially to a weak nation.

It has been represented that in coming to Washington Princess Kaiulani has been actuated by ambition or avarice. It was not a very courageous suggestion, neither is it true. Hopeless as the effort seemed at that time the Princess said to me: "Perhaps if I do not go the Hawaiians will say to me hereafter, 'You might have saved us, and you did not try.'" And so we came.

I deplore with all my heart the blunder into which, as I believe, panic and the clamor of agitators have hurried so many of my most valued friends in Honolulu. I rejoice to know that this is not a question between Americans and Englishmen, for all through this period of disaffection my most cordial ally at Honolulu has been, and is at present, head of the Boston house of Brewer & Co., and of the family to which Mr. Commissioner Carter belongs. But I rejoice above all in the experience of recent weeks, which has confirmed what I knew before, that the statesmen at Washington and the great American republic would refuse to be hurried blindfold into an act for which I verily believe there has been no precedent since the partition of Poland.

I have not referred to the skilful but rather unworthy insinuation that if the United States does not seize Hawaii some other nation will do so. I do not believe that any other nation would accept the islands as a gift; and I am very certain that no nation under the sun could get the islands at present with the consent of the people. If the United States desires to have them, some day she will probably get them in an honorable way, without recourse to fraud or violence; but if (as Mr. George Ticknor Curtis argues in the paper following Mr. Thurston's) the United States does not for her own sake want to annex Hawaii, then the resources of statesmanship are surely equal to meeting Mr. Thurston's ingenious warning, by providing that in no circumstances shall the neutrality of Hawaii ever be imperilled.

I cannot close without taking note of the wide divergence between the American and Hawaiian statesmen in their respective attitudes towards this matter. Mr. Blaine made it a clear con-

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dition of acceptance by the United States that the said acceptance should follow only an application on the part of Hawaii; and this is the bold declaration characterizing every utterance of American statesmen which Mr. Thurston quotes. The Hawaiian statesmen on the contrary come as a commission to urge annexation, although the only condition by which the islands can be offered to the United States is that the United States shall first help the Commission to disfranchise three-fourths of the present Hawaiian electorate.

It was against this incredible proposal that the Princess Kaiulani came to Washington to protest, not by remonstrance, nor by argument, nor by official assertion (for all the official life of her country was ranged against her), but in the conviction that her presence would prove to the American people that all the truth had not been told to them.

Princess Kaiulani disclaims any right to interfere in Hawaiian politics so long as Queen Liliuokalani reigns; but should the throne become vacant by the death, abdication, or dethronement of the Queen, then Princess Kaiulani claims the succession as her constitutional right, of which she can only be deprived by force, fraud, or the will of the Hawaiian people constitutionally declared.

THEOPHILUS HARRIS DAVIES.

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FOREIGN NATIONS AT THE WORLD'S FAIR.

PERSIA, BY CLARENCE ANDREWS, ASSISTANT COMMISSIONER FOR PERSIA; CANADA, BY GEORGE STEWART.

I.—PERSIA.

WHEN the United States Government formally requested the official participation of foreign nations in the World's Fair, the Hon. E. Spencer Pratt, then Minister from the United States at the court of Teheran, urged the Shah to appoint a commission and to appropriate a sum of money to defray the expenses of an official exhibit and the erection of a Persian Pavilion. Only the first of these requests was granted. Every expense therefore has had to be paid by the commissioners themselves, or by the exhibitors.

The Persians are a commercial race, but they did not see their way to sending their goods some ten thousand miles away from home, to be carried through their own country on pack animals over the worst roads in the world to the sea coast, whence, having paid an export duty of from five to ten per cent. *ad valorem*, they would sail away in ships to that indefinite country known to Persians as "Yanki Dunya," which, as far as they know, has no manufactures to send in return. For it must be explained that the imports into Persia, amounting to over $20,000,000 per annum, are almost entirely in the hands of Russian and British merchants. American manufactures are unknown owing to the wise and beneficent policy of a government which has considered it a paternal duty to prevent its citizens from competing with rivals in foreign countries. Thus the raw material, the natural products of Persia, numerous, interesting and diversified as they must naturally be in a country which possesses every climate, including torrid heat and eternal snow, will not be on view, but in other respects our exhibit will be the gainer. It will appeal to the artistic eye and to the æsthetic sense alone, as an incomplete enumeration of the articles therein contained will show.

Art in Persia has existed in its present form from the time of the "Four Ancient Monarchies," of which she is now the only one existing. Conquered as she was, first by Alexander, and subsequently by the Moguls, Arabs and Afghans, yet always ab-

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sorbing her conquerors, the arts were little changed. Before the time of Alexander they had reached a degree of perfection in sculpture and architecture, as is witnessed in the ruins of Persepolis, which has never been surpassed. Few specimens of art prior to the Arab conquest now remain. The ornamental tiles so valued for their beautiful metallic lustre, used to decorate the walls and domes of mosques, will be represented in our exhibit by some rare and priceless examples. This art has been completely lost since the middle of the sixteenth century.

Arms and armor will form a conspicuous feature of the exhibit. Even to-day, when body armor is no longer in use except in the religious tragedies of the Shiah martyrs and for ornament, the armorers of Ispahan are as expert in damascening, engraving, and inlaying in gold and silver as in the days of Shah Abbas.

Copper, bronze and brass utensils, such as ewers, basins, kalyans or water pipes, always decorated and engraved, will show the artistic temperament of a people who highly beautify articles of daily use. In painting, on a miniature scale, the Persians also excel, and here will be found specimens of papier-maché writing-cases, book-cases, small wooden boxes ornamented with pictures of figures, landscapes, battles, portraits, etc. But it is in their textile fabrics that the Persians have been most famed for so many centuries, and the rugs and carpets still produced by them are the most beautiful in the world. This department therefore will be the most extensive and complete exhibit of all rugs, ancient and modern, in silk, wool and hair, from the priceless prayer rug from the holy mosque wherein no Christian has ever penetrated, to the ordinary but still artistic "Kali" or pile carpet, and the "Do-ru" used in travelling, and spread by the roadside during the halts for tea and pipes. These carpets of every description are made entirely by hand without the use of any machinery; the loom is simply a frame on which the warp is stretched. Natives, weaving carpets, will form an instructive object-lesson to the visitors.

The shawls of Kerman are equal to those of Cashmere, and somewhat similar in pattern. Besides the ordinary long shawls used for the tunics of men and women, some in plain colors are richly ornamented with needle-work. Woven silk, cloths and velvets, ornamented with designs in gold thread; embroidery in gold and silver used for saddle cloths, holster covers, etc.; a fa-

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mous kind of embroidery and patch-work from Resht, block printed calicoes from Ispahan, inlaid wood-work and silverware from Shiraz, belts and pipe bowls inlaid with turquoises; specimens of all these will be displayed in the exhibit.

Through the courtesy of the Director General of the Exposition and the officials in charge of the distribution of space, who recognized the attractive features of the proposed building and exhibit, an allotment of 1,800 feet was made in the southeast corner of the main building of Manufactures and Liberal Arts, adjoining that of Spain, it being one of the most desirable spaces obtainable. The Imperial Persian Pavilion is being erected from designs furnished partly by the Commissioner-General, Hon. E. Spencer Pratt, and an architect of New York well versed in Eastern forms. This building will convey a correct idea of some of the most beautiful features of Persian architecture, and as the Hispano-Mauresque style is so similar—the Alhambra, it is said, was mostly built by Persian artisans—the juxtaposition of the two countries mentioned will produce a most harmonious effect.

Since no funds were supplied by the Persian Government the entire cost of the building, together with the expenses of the installation, transportation and collecting together of exhibits has been assumed by an enterprising Persian importer, H. H. Topakyan, and under the supervision of the Commissioners, and with the aid of their private collections of Persian objects of art, it is not too much to say that the Persian exhibition will rank among the first in the beauty of its installation and the artistic merits of the exhibits.

CLARENCE ANDREWS.

II.—CANADA.

CANADA has voted $105,000 for expenses connected with the World's Fair, and of the 500,000 square feet allotted to Great Britain and her Colonies the Dominion has applied for 110,000 square feet, all of which will be occupied.

With the exception of New Brunswick all the provinces have coöperated with the Dominion, and, at their own expense, have collected and arranged exhibits which will be shown in provincial groups. New Brunswick, however, will be represented by private exhibitors who promise a creditable show. The provinces will send economic minerals, timber, fruit, vegetables, honey,

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agricultural products, some manufactures, live-stock, and educational exhibits. They will also assist the Dominion Commission in perfecting the general Canadian contribution. In addition to the articles named, Manitoba sends game birds and animals, as well as a curious exhibit illustrating the early mode of travelling by dog train and the famous Red River cart. The Northwest Territories are sending fruits, minerals, timber and a full line of their fish. Fish, wild animals and birds will form part of the exhibit from British Columbia.

In securing her space effort was made by the Canadian Executive Commissioner, Mr. Saunders, to have it, whenever practicable, adjacent to that of Great Britain. In this he was assisted by Sir Henry Wood, the Secretary to the British Commission. In the building devoted to manufactures Canada occupies 21,600 square feet, equal to 16,192 square feet net. Here will be found furs, cottons and woollens, carpets, clothing, leathers, scales and weights, stoves and ranges, furniture, terra-cotta work, paper, blank books, twines, wall-papers, stained glass, wooden-ware, perfumery, glassware, brass and iron goods, edge tools, ladies' work and a special Indian exhibit.

By order of the Department of Indian Affairs examples of the work performed by the Indians of both sexes, throughout the country, have been collected. Samples of products raised by them on their farms will appear, and a strip of land has been set apart for living representatives of some of the tribes which flourished in America when Columbus landed. Three lodges of Northwest Canadian Indians, unrepresented in the tribes of the United States, will also be on view, equipped and decked with all the paraphernalia of their savage state. Boys and girls, trained in the Industrial Schools of the Canadian Northwest, will exhibit the progress which they have made in the various crafts. Canada has enjoyed a reputation for the care with which she has managed her Indian population, and a view of her Indian Industrial Schools in action may not be without interest.

The liberal arts are represented in the Manufactures Building, 6,000 feet gross being allotted to them. This accommodation will be taken up principally with the provincial educational exhibits. In this section also will be found musical, optical and surgical instruments, besides photographs, sanitary goods, etc.

Two blocks have been allotted for the Dominion's agricultural

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exhibit, the one containing 5,330 square feet net, and the other 2,450 square feet net, advantageously located, and adjoining the space occupied by Great Britain. A large trophy erected in the centre of the larger block will occupy a commanding position, and show the agricultural products raised on the Dominion Experimental Farms. A large map of the Dominion, giving the railways and settlements up to date, will also have a place here.

In the smaller block the manufactured agricultural products will be shown. They include a mammoth cheese over 22,000 pounds in weight, Canadian flour, condensed milk, biscuits, ales, porters and beer, canned meats, flax and its products, starch, maple sugar, etc. For agricultural implements Canada has 7,880 square feet net, which, after allowing for passageways, will amount to 6,204 square feet.

Great progress has been made in Canada in the manufacture of butter and cheese, more particularly the latter. The products of the Canadian dairy will be a prominent and noteworthy exhibit. Though the space has been limited in the Dairy Building to 576 square feet choice, cheeses of 1891, 1892 and 1893 will make a fine showing and give a good idea of the quality of this important Dominion export. Butter, too, is promised by the leading dairy sections.

Canada's forestry display at previous exhibitions, notably at Edinburgh in 1884, has always been remarkable for its extent and variety. It will be fuller than ever before at Chicago. The Forestry Building is supported along the front by groups of columns, each being composed of three trees with the bark preserved intact, of from 12 to 15 inches in diameter, and 25 feet long. Ontario sends five and Quebec one of these groups. The trunks will be supplied with data, showing the timber resources and other notes of the provinces from which they come. The Dominion has 4,000 feet of gross space in the Forestry Building, and this will be occupied by the timber exhibits from the Provinces of Ontario, Quebec, British Columbia, Manitoba and the Northwest Territories. Sections of trees, timber, hewn and sawn, in all its commercial forms; shingles, veneers, laths, shooks, wood pulp, etc., will comprise the exhibit.

The display of fruits and vegetables will occupy 8,000 square feet of space in the Horticultural Building. A large collection has been made by the different provinces, fresh and preserved

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specimens being provided. The perishable kinds, suspended in antiseptic fluids, are kept in glass jars. An idea of the extent of this exhibit may be gathered from the fact that over 3,000 glass jars of all sizes have been purchased from the leading manufacturers in the United States to contain it. Apples and pears which grow to perfection in Ontario, Nova Scotia and Prince Edward Island, will be sent in immense quantities, while Quebec's exhibit of apples, embracing many tempting specimens, will number more than one hundred and sixty boxes. British Columbia will send two tons of choice apples, while small samples will come from New Brunswick and the Tuscarora and Rice Lake Indian Reserves. The showing of field roots and vegetables, sent from all the provinces, is important. At the opening Canada will appear to great advantage, while she expects to send large consignments of autumn fruits to take their place in the declining days of the Fair. The showing of roots and vegetables will be carried on in the same way. Native wines made from Canadian grapes will make a respectable exhibit.

In the Fisheries Building Canada will occupy a first place. On the ground floor she has 3,607 square feet, and, adjacent in the gallery, 1,350 square feet. The Department of Marine and Fisheries has got together a magnificent collection. All the provinces have lent their aid to the central authority in order that the list of food and other fish may not lack an item.

The general collections of economic minerals have been provided for by the several provinces, and these are not included in the exhibits of the geological survey department. The latter may be briefly set down as follows: 1. Stratigraphical collection of rocks from Archæan to Tertiary, about 1,400 specimens; 2. Stratigraphical collection of fossils from Cambrian to Tertiary; 3. Collection of Canadian minerals; 4. Collection of Canadian woods, showing bark and grain of wood in various sections; 5. Photographs of Canadian forest trees, framed in the wood of the tree; 6. Collection of game birds of Canada; 7. Map of the Dominion geologically colored on a scale of about 27 miles to the inch; 8. Map of the Dominion, same scale, showing the distribution of economic minerals. The rich mines of Ontario, Quebec, Nova Scotia and British Columbia will be extensively represented in the display of economic minerals. The asbestos from Quebec will attract great attention, it being of superior quality,

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the fibre on a large specimen being 11½ inches long. Masses of nickel, copper, iron and coal, gold and silver ores, mica and phosphates will be exhibited in the provincial groups.

The machinery exhibit promises to be a very fair one. Among the exhibits in the building devoted to electricity, Canada, in her space of 3,000 square feet, will show an automatic telephone exchange system, illustrating some new principles. The Canadian Pacific Railway Company sends to the transportation department a full train of cars, with locomotive complete. This exhibit is very handsome, and it will stand alongside of a train of English carriages belonging to the London & Northwestern Railway, so that visitors may have the opportunity of comparing the relative styles of the two countries in car building. The Canadian Pacific Railway will also show a model of one of their large steamships, running from Vancouver to the East. This exhibit will be accompanied by photographs of the scenery along the route traversed by this great transcontinental line. The Grand Trunk Railway Company will send a model of their new tunnel under the Detroit River at Sarnia, with photographic views. The Quebec & Lake St. John Railway, the Windsor & Annapolis Railway, the Western Counties Railway and other lines will also exhibit. Carriages, carts, wagons, sleighs, boats, canoes, bicycles, etc., will be found in this department in extensive variety.

An interesting collection of paintings in oil and water colors by Canadian artists will occupy space to the extent of 2,895 square feet. Some notable exhibits will be found from Canada in the archæological and ethnological branches of scientific research, the early Indian providing many interesting objects.

Horses, cattle, sheep, swine, poultry, and dogs have been selected with the single eye to superiority of breed. Of course Canada will have her building on the ground. It will be located close by the British Building, and will command a fine view of Lake Michigan.

GEORGE STEWART.

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FURTHER VIEWS OF PENSION LIST REVISION.

BY WHEELOCK G. VEAZEY, PAST COMMANDER-IN-CHIEF OF THE GRAND ARMY OF THE REPUBLIC; REPRESENTATIVE O'NEIL, OF MASSACHUSETTS; AND REPRESENTATIVE ENLOE, OF TENNESSEE.

PAST COMMANDER-IN-CHIEF VEAZEY:

I CAN write upon the pension question only from the standpoint of the deepest sympathy with my comrades in the Army throughout the war. I saw them break from the ties and endearments of home and undergo the discomforts, the hardships, and the perils of soldier life in the field; I saw them in the great stress and strain of campaigns, on the long and exhausting march, in heat and cold and storm, weary, hungry, foot-sore, sick, no couch at night but the ground, no covering between them and the clouds; I saw them on the night watch, sleepless, faithful, vigilant; I saw them engaging in battle after battle with bravery equal to any duty or order, receiving wounds and meeting death without murmur or complaint. Amid these scenes the question often came to me: Will the country appreciate and remember what it owes to its defenders? Memory of what I then saw and thought has not faded with time. Admiration and sympathy have only increased. Pledges then made to the soldiers have to me become more sacred as the years pass. They seem to me to be more sacred than the pledges to creditors of the Republic, which I am glad have been honestly redeemed. I have never favored proposed pension legislation based on the idea of compensation for the service of the veterans. All the mines of earth do not contain sufficient of gold and silver and gems for that. The patriotism that inspired true soldiers must not have a price put upon it or be considered as having a money value. The pledge to them was in substance that neither they nor those dependent upon them should be allowed to suffer

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from physical misfortunes and distresses. I believe it is the abiding conviction of the people as a whole that this pledge shall be faithfully redeemed. No political party can afford to violate it. Individuals may grumble and threaten, but the masses will be sound and firm. The pension roll may be large, but that is because the army was large, the war long continued, the campaigns severe and frequent.

The original pension laws occasioned by the war were framed on the principle of pensioning every soldier whose infirmity could be traced to his service as the cause. After twenty-nine years from the beginning of the war had elapsed, Congress enlarged the scope of pension legislation by providing in effect that a *present* disability to perform manual labor should entitle a veteran to a pension, if applied for under that particular act, without tracing the cause to his military service, the amount to be determined by the measure of his disability, but in no case to exceed twelve dollars per month. The argument was that after such lapse of time it had become impossible to prove the cause if it originated in the service; and, further, if it occurred since, a pension to one having a present physical disability to labor would be but a just fulfilment of the pledge as it was fairly understood when the enlistments took place; that it had never been the thought of the people that the volunteers of the war should become public paupers by reason of physical disability to labor for bread to eat or clothes to wear. This was the liberal interpretation which a patriotic Congress gave to what it conceived to be the fairly implied promise to the soldiers. No future Congress will ever recede from it.

Some provision may be necessary to cure past or prevent future frauds upon the law. Undoubtedly some men have obtained pensions by imposition and falsehood. Remedial statutes are seldom enacted under which fraud is not attempted and sometimes perpetrated. Amendments for the better administration of this law may become necessary, but its general provisions will never be narrowed. If radical changes occur, they will be on the line of even greater liberality, the same as we have seen in behalf of the surviving soldiers of the Mexican War.

The charge sometimes made that the old soldiers have been importunate in their demands for pensions is false if applied to them as a body. They have often been advised to make inordi-

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nate demands, and have often been told that the Government has been unjust to them, and that there is no limit to their just dues; but this is the inconsiderate and extravagant talk of the enthusiast or the demagogue. The veterans as a class have made no unreasonable demands; they have asked only what would be just, in view, not of their service, which they freely gave to the country in crushing rebellion and preserving the Union, but of their physical disabilities to earn a livelihood.

There was a difference of opinion as to the form of legislation best calculated to reach this result. Some thought it should be in the form of a service pension; that is, a pension to all, but graduated in amount to each according to length of service. It was claimed that this would operate more justly than the present law, and would not be an abandonment of the disability idea, because practically all were more or less disabled by the strain and severity of the service; but, after painstaking investigation by Congressional committees, the act of 1890 was adopted. This act must result in entitling nearly all Union soldiers to a pension sooner or later, because all who escape death by acute disease or accident will naturally reach a condition of partial or total disability to perform manual labor.

Some complain of this statute because it covers the cases of those who, though physically infirm, are yet above pecuniary want. The complaint may not be wholly without force, but to make this distinction between classes would violate all precedent. Pension legislation has never favored discrimination on the score of difference in the financial ability of persons. The difficulty of securing pension laws that operate with exact justice in all cases is about as great as that encountered in framing just tax laws. Objection has always been made to compelling an applicant for a pension to prove his financial dependency or poverty as a requisite. The impression exists among those who have administered the law of 1890 that the percentage of pensioners thereunder of any considerable means is small. I have reason to believe that this is so, and, further, that the percentage of fraudulent pensioners is not large, but I agree that the law should contain such provisions as are necessary to guard against impositions.

I am not prepared to say that a better enactment than that of June, 1890, as supplementary to previous laws, could not have been passed, but having carefully watched its administration and

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beneficial effects for nearly two years I think much better of it now than when it was passed, and should oppose any change that would infringe its principle. Adhere to that, but cure defects in details if the enactment has any, would be my advice. The amount of the pension roll is large, and more than some anticipated, and is likely to increase somewhat, but the advanced age of the veterans is conclusive assurance that the increase will be of short duration, and that the decrease will then be rapid.

The fact, now well established by experts, that the severe strain and great exposure largely diminished the physical resources of all soldiers who served any considerable term, should not be overlooked. This alone is sufficient to establish the soundness of the principle upon which the act of 1890 was based. That law was founded on the idea before indicated, not to pay a man for what he did as a soldier, as no amount of compensation would be adequate for that, but to give him something for that diminution of physical power to earn bread which his service caused; and for the reasons above suggested the law further provided that present disability should be sufficient to establish the right to a pension. It was a generous enactment, and this the people demanded; and if it failed to work exact and equal justice in all cases, it was a fault that could not well be obviated without great danger of denying relief in many worthy and proper cases, which were embraced by the principle on which the act was framed.

WHEELOCK G. VEAZEY.

HON. JOSEPH H. O'NEIL:

THOSE who advocate a reform in the pension system are in favor of good pensions to people who deserve and need them, but as at present administered the system has placed patriotism at a discount; it has debauched the loyal sentiments of most of the survivors of our great war for human liberty and it has reduced the treasury of the country to an almost bankrupt condition.

The demand for a reformation of the system comes just as heartily and sincerely from the real soldiers of the last war as it does from those thirty millions of people who have come upon the stage since, for they can see that the glory of the great achievements of that war is being dimmed and over-shadowed, its

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great and far-reaching results forgotten in the grand scramble now apparently being made to get as much as possible out of the government.

The scramble is not being made by the men who did most of the fighting, but by the camp-followers, the coffee-coolers and the bummers, who reflected on the good name of the real soldier during the war and who now by their unceasing demands for more pensions are endangering the pensions of the worthy and deserving.

Every man wounded or diseased in the service should receive a pension commensurate with such wounds or disease, and no one from one end of the country to the other would say him nay. No man who wore the blue should want for bread. This the country has said in repeated acts of legislation, and in it all concur. Were the male pensioners on the list confined to those two classes, the amount of money required for the payment of the whole pension roll would not exceed $100,000,000, and yet the present Congress has appropriated $165,000,000, or more than one-third of the total revenue of the country. The Commissioner of Pensions asked for $172,000,000, and it is conceded by those who have investigated the matter that if the pension bureau is conducted in the same manner under Mr. Cleveland's administration as under Mr. Harrison's, with a desire to give a pension to every possible claimant under the law, the amount needed will be at least $190,000,000. Unless a halt be called it will soon reach the enormous total of $250,000,000, or one-half of the total expenses of the government.

The recent attempt by the National House of Representatives to secure some reform in the pension system was hailed with satisfaction all over the country, not only by those who never served in the army or navy during the war but by those veterans who went into the contest from motives of patriotism and who hang their heads now when they see the way in which the pension roll is being disgraced.

There is no doubt that for the first ten or fifteen years after the war the number of people who were placed on the pension roll undeservedly was very small; the same test that is used in all other countries was applied, and no man's name was placed thereon unless he could show by indisputable evidence that he suffered from wounds received, or disease contracted in, the service. The

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proofs required were very strict, and while fraudulent cases existed, their number was very small indeed.

That the country can and will pay these enormous amounts if absolutely necessary no one disputes; that a growing public sentiment exists that people are drawing pensions who are not entitled to them is not denied; that if this country became engaged in another war it could not afford to keep up such an enormous pension roll no one attempts to controvert. But while we sneer at those countries which are forced to maintain great standing armies, we are to-day paying more for pensions than any country in Europe does to maintain its military efficiency.

The whole history of the pension system since 1862 is interesting. Take the act granting artificial limbs to those losing an arm or a leg in the service. It was an act properly passed to give as good a substitute as man could make for the lost limbs. Later it was found that men who had not lost their limbs were compelled to wear surgical appliances and an act was passed to furnish them. Later, because it was claimed that the artificial limb makers recommended by the government did not furnish the best limbs, the law was amended so that the maimed soldier could receive the money as commutation and get the limb where he pleased. Then men whose arms or legs were shattered by bullets were declared to be as worthy of this commutation, their limbs being useless, as were those whose limbs were amputated. After this those whose limbs were destroyed by rheumatism demonstrated that their limbs were as useless as those whose limbs were shattered or amputated and they too came forward and demanded commutation and received it. Of course, during all this time the pensions had been gradually increased to meet the degree of their disability, so that the man whose arm is absolutely disabled from rheumatism now draws under the law $50 commutation every three years, as does the man who lost his arm in battle. So with the man whose leg has become paralyzed; he, too, draws $75 every three years, like the man who is obliged to buy an artificial limb.

In the same way have grown the laws in relation to other pensions. The laws, if strictly enforced, require that no pension shall be paid except while the disability exists. It frequently happens that during certain seasons a man is incapacitated for work; a strict compliance with the law would give him a pension only

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during that season; but through the prodigality born of extravagant expenditures this has been considered too small a matter to look after, and one examination now, if passed successfully, entitles a man to a pension for life, and any attempt to take it away from him calls down on the head of the reformer the names of "rebel" and "copperhead." Yet, during General Grant's administration, pensions were not only reduced and suspended, but pensioners were required under the law to be examined at least once in two years and to pay for their own examination; yet no one questioned General Grant's friendship for the soldier.

But the system has changed since then and so has the character of the pensioners. In those days very few men were placed on the roll who did not deserve and need pensions. The patriotic spirit which induced men to leave their homes was not then extinct, and they scorned to ask compensation from the government they served for themselves as well as for posterity. But as the old guard died away and the ranks of the 360,000 dead on southern fields were increased by recruits from their wounded and diseased comrades, the skulkers who had suffered neither hardships, danger nor disease, became more powerful numerically, and they began to clamor for their rights, more liberal pensions, back pensions, re-rating laws and service pensions regardless of the question whether pensions were deserved or needed.

General Garfield believed the limit had been reached in 1880, yet for the year 1884 Congress appropriated three times the amount appropriated in his day.

Another and a growing abuse is the granting of pensions to widows. There can be no dispute as to the fact that originally pensions were intended for those widows whose husbands were killed during the war. The State of Massachusetts passed an act in 1864 granting bounties to soldiers who enlisted, and providing that if killed in the service their widows should be paid twenty dollars a month for six months only.

It is an indisputable fact that for years after the war no pension was granted to a widow unless she had been married before the close of the war, but this ruling, like all others, was broadened by prodigal acts of legislation, so that women whose husbands received a pension under the laws passed previous to 1890 can, if married previous to 1886, secure a pension of $12 a month, even though the husband when alive only drew $2 a month. If any

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pensioner lives till 1939, and then marries, even then his widow will receive a pension of $8 a month.

The treasury could stand this policy if the people could not, while the former had a surplus, but it is almost a certainty that a deficiency will stare Congress in the face for 1894, and it becomes manifest that something must be done, somewhere, to relieve the people. There can be no reduction of tax burdens unless there shall be first made a reduction in the annual expenditures. That reduction should be made by cutting off unnecessary expenditures. Gratuities should be dispensed with and the actual obligations only of the government kept. The largest amount of gratuities is dispensed in the shape of pensions. The whole system should be revised, and placed on a basis of the actual pledges made when the government was in danger. The country should throw off its present debauched state in regard to pensions, and see to it that those only who deserve and who need pensions should receive them. The law in force previous to 1867 should be revived, so that no pension should be paid to any man under the dependent act of 1890 doing the work and receiving the salary of an able-bodied man in the Government service, nor to any man who is capable of earning his own living.

Pensions should be paid only to widows of soldiers who married previous to the close of the war, and who suffered cares and anxieties in common with their husbands. All but a small portion of the pensions paid to inmates of homes should be taken from them unless the balance be turned over to dependent relatives. These inmates of homes are housed, clothed and fed; they have many comforts that people in the ordinary walks of life never enjoy; the privilege of living in those homes with its comforts gives to them much more than the pensioner outside enjoys for like disability.

With the enormous growth of the pension system nearly every one admits that something must be done. The veteran deservedly pensioned cries out against the disgrace of being on the same roll with the bummers, the coffee-coolers and camp-followers who never went into a battle; the latter cry out that the soldiers served the country and the country ought to be willing to pay pensions liberally, and object to the few large pensions paid to a few officers and officers' widows. The widows who sent their husbands to battle for the Union feel justly aggrieved at

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being placed on the same basis as the woman who married twenty-five years after the war was over, and who, maybe, was not born till after Appomattox; the latter declares she is entitled to a pension because she nursed her husband in his last illness. Each class has its excuse for being, and nearly all admit that the octopus must be cut somewhere, but cry out against the line being drawn on them.

A distinguished Republican ex-Governor of Massachusetts has said that President Cleveland displayed more courage in his pension vetoes than in his tariff message, for he knew where the country stood on the latter but not on the former.

The same heroic courage must be displayed now; that display should come from the same patriotic citizens who in 1861 and 1862 left their homes and occupations with no thought but their country's good; from them should come a revival of the old spirit of '61 and a call on all the veterans of the war to purge the list.

They owe it to themselves to do this as well as to their country and the deserving and needy veteran; if pensions should be confined to the classes mentioned, with the law of 1890 modified and all laws strictly in force, the expenditures for 1894 would be twenty millions less than in 1893. There would be a much larger reduction made in 1895 and in three years the expenditures would be reduced to one hundred millions. Then when those with no claim on the government bounty have been dropped from the list, as the pensioners grow older and more feeble, their pensions may be increased to meet their necessities, for a grateful country will never violate its pledges, nor allow those who patriotically responded to her call in her hour of trial to want for bread.

JOSEPH H. O'NEIL.

HON. B. A. ENLOE:

WE HAVE a pension roll carrying nearly one million names, and there are still pending before the Pension Bureau over one million claims. The expenditures for the next fiscal year will approximate to $200,000,000. These facts, stripped of details, are sufficient to challenge public attention; and to at once suggest the necessity for a careful study of the pension question with a view to reforming the abuses of the system. The Commissioner of Pensions has estimated the number of enlisted men in the Union armies from 1861 to 1865 at 2,300,000.

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He says that 1,200,000 of these are still living. His report shows 687,862 pensioned as invalids, and 442,326 claiming pensions as invalids. That would give us 1,130,188 disabled, or claiming to be disabled, in a pensionable degree. We must therefore infer that only 69,812 of all that immense army are now living and free from pensionable disabilities. It is estimated that 199,000 deserted and lost their pensionable status.

The records show that 449,315 were drafted, and that 58,843 enlisted as substitutes. Neither gratitude nor contract entitles these men to pensions. Adding the drafted men, the substitutes and the deserters together, we have 707,158 to deduct from the volunteer army as not legitimate claimants on the gratitude of the Republic. Supposing the same proportion of each class to have survived, we should deduct from the 1,200,000 survivors a fraction less than one-third, say in round numbers 360,000 as not entitled to pensions. That would leave 840,000 to occupy a pensionable status, and would indicate that there are many unworthy pensioners on the rolls, or that we have already pensioned all who are legally entitled.

To revise the pension list we should undo the wrongs which have been done, both in the making and in the execution of the laws. The pension is a gratuity, not a matter of contract, and the government has the right, at any time, to change the amount of the pension or to withhold it. The President has it in his power to reform the abuses and to correct the wrongs which are due to the failure to properly execute the law. The Commissioner of Pensions is responsible to the Secretary of the Interior, and the Secretary is responsible to the President, but as neither the Secretary nor the President can possibly have knowledge of the details of administration in that bureau, they must rely on the Commissioner. The man who may be selected to preside over a bureau, which directs the disbursement of one-third of the revenues of the government, should be great enough to rank with the members of the Cabinet, both in ability and in character. He should be honest and able, and courageous enough to do his duty with an eye single to the public weal. He should be a judge of law and imbued with all the qualities of an honest judge; so that he would adminster the law without fear or favor.

If the Board of Pension Appeals is to be continued to review his decisions, it should be composed of men of known ability and

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integrity, men who could not be approached by the "pension sharks." The secretary should see to it that the decisions of the Board are in accord with the statutes. The medical referee should be eminent in his profession and qualified to govern the important board over which he presides. The local medical boards should be abolished and competent medical examiners should be sent out from the Pension Office to examine applicants. Special examiners in the field are not allowed to serve in the States from which they are appointed, and yet in the important matter of medical examinations the boards are composed of men who must examine their neighbors and often their patrons, with their bills for professional services too often depending on the rating given the applicant. Complaints are frequently made against these boards on the ground that members of them use their positions, not only for political purposes, but to reward friends and to punish enemies.

The entire machinery of the Pension Bureau should be reconstructed, so that it would move in perfect harmony with the will of the Commissioner. It should be lifted out of the ruts in which it has been running, and freed from the domination of the rings formed in it to promote the interests of the pension attorneys. Its files, instead of being subject to the inspection of every clerk, and to everybody who may seek access to them, should be as sacred as the files of the War Department, or of any other department of the Government. If the Commissioner construes the law correctly, and is sustained in it, he will unsettle thousands of claims which have been allowed in violation of law. The erroneous, if not dishonest, rulings of the Board of Pension Appeals on many questions will be reversed. The examination of the admitted files should follow. The Commissioner should detail a commission of pension experts from his office and have every case in the admitted files re-examined and decided in conformity with the law. Those claims which may be found to have been improperly allowed should be rejected, and the names of the pensioners dropped from the roll. This would cut off those who were pensioned under the Act of June 27, 1890, in violation of the law, and of the orders of the Secretary of the Interior. It would cut off the deserters and the men who were dishonorably discharged. It would cut off those who were pensioned under the old law for dis-

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abilities resulting from injuries received while in the service, but not in the line of military duty. The application of the ordinary rules of evidence to the cases in the admitted files would also cause the rejection of a large number of claims.

The Commissioner, if in his power, should make public, in printed form, lists of pensioners, arranged by post-offices, and have such lists put up in every post-office in the United States, accompanied by a request to all persons having knowledge of any pension improperly granted to communicate the facts to the Commissioner of Pensions. These lists should give the name of the pensioner, the company and regiment in which he served, the disability on account of which the pension was granted and the amount of the pension. Where the pensioners are widows or dependent relatives, the lists should give the name and service of the soldier, with the time and cause of his death. This would bring the matter to the attention of the neighbors of pensioners, and there would be many complaints sent in to the Commissioner, calling attention to persons improperly pensioned. The Commissioner should heed these complaints when they appear to be well founded, and place the papers in the hands of special examiners for further investigation. The special examiner should be required, in such case, to visit the neighborhood where the pensioner lives; and if he has reason to believe that the claim is unjust he should be required to conduct a public examination into the facts, and report the evidence taken, together with his conclusions thereon, to the Commissioner. If the conclusions should be adverse to the claimant, and in the opinion of the Commissioner correct, he should drop the name of the pensioner from the roll, allowing him the right of appeal to the Secretary.

It is claimed by those who oppose a revision of the pension list that the saving accomplished would not equal the cost. In answer to that I will say that under General Black's administration of the Pension Office the saving effected by the special examination of cases amounted in a single year to more than one million and a half dollars over and above the costs of the force of special examiners in the field. The commission of experts should also examine the re-rated cases, many of which are known to have been increased in flagrant violation of law, and should reduce them to a proper basis. This alone would save many millions of dollars during the life of the pension list. I believe that a strict enforce-

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ment of the present pension laws in the manner suggested would result in an annual saving of at least $50,000,000. The reforms suggested, if adopted, would perhaps exhaust the power of the executive officers to revise the pension list, and any additional reforms must necessarily come through Congress.

Congress will not take any steps looking to pension reform, except under compulsion from the people. Pensions ought to be restricted to those who received wounds or incurred disabilities in the service. The Dependent Pension Act of June 27, 1890, ought to be repealed; and if it is not repealed it should be so modified that pensions would only be granted under it to those who are in a dependent condition, and unable to earn a support. The rich should not be pensioned as dependents, as many of them are under that act. Men who have disabilities of post-bellum origin and are able to earn a support without manual labor should not be permitted to become public charges. Excessive pensions should be reduced, and uniformity established, so that all pensioners of equal merit, with like disabilities, would stand on an equal footing. The 3,412 foreigners who are now on the pension rolls should be dropped.

Pensions should not be paid to those who owe no allegiance to the government, and who, at the command of their sovereigns or rulers, would be bound to take up arms against it. The great majority of them no doubt came to this country during the war as mercenaries, and enlisted for the pay and bounty, and when the war ended they returned to the service of their royal masters as a matter of preference. We have reached a point where a choice must be made between an honest revision of the pension list and the overthrow of the entire system. Deserving pensioners will support a just and honest pension policy. They have nothing to fear from such a policy. The undeserving will condemn it. Demagogues have prostituted the system for political purposes until patriotism demands that the line should be drawn between honor and dishonor, between the soldier and the bummer, between the patriot and the hireling, between the pension which evinces the gratitude of the Republic to its defenders and the pension which has been unworthily or dishonestly procured. We must purge the pension roll in order to make it a roll of honor.

B. A. Enloe.

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NOTES AND COMMENTS.

ANCIENT AND MODERN DENTISTRY.

THE relation of the teeth to our health, comfort, and appearance, is of paramount importance. The body being a unit the impairment of one part necessarily affects the whole. We cannot have proper digestion, assimilation, and nutrition if our food is improperly introduced into the stomach. Every one should recognize this as a prequisite to sound health. It is true that food products have been so improved and are so prepared that children and invalids are enabled to digest them without the aid of mastication, but such food is not intended for vigorous people.

The period of vigor depends largely on our digestion, which in turn depends on our ability to properly grind our food before it is swallowed. That one fact alone is not sufficiently considered by our bustling civilization. We have too many business and social engagements to think of our teeth, which is frequently an excuse for their neglect, and so we suffer from this neglect when there is no reason for it.

The utility and importance of the teeth has been known since the advent of man on this planet. Just how much care and attention were given to them in the early ages we may never know. From references in the Bible we must assume that they were regarded with due consideration. Doubtless the earliest mention of the teeth in literature, which has been preserved and is accessible to all, was when Jacob, in blessing his sons, said of Judah: that "His eyes shall be red with wine and his teeth white with milk." (*Gen.* xlix., 12.) According to Biblical chronology this was in 1689 B. C. We must infer that the patriarch appreciated the beauty and cleanliness of the mouth. In *Job* (xix., 20) we read, "My bone cleaveth to my skin, and to my flesh, and I am escaped with the skin of my teeth." Hence the expression, "I escaped by the skin of my teeth." The prophet Jeremiah gave expression to a fact, which, for twenty-five hundred years, has been a note of warning to the careless, when he said: "Every man that eateth the sour grape, his teeth shall be set on edge." Acids are the most destructive to the teeth of any agents known, and most dental troubles arise from them. While resting in the "security of God's protection," David said: "Thou hast broken the teeth of the ungodly," the idea being that they were rendered harmless to do injury.

During our Civil War I knew men who were exempt from military service because they had no teeth. Paper cartridges were used, which the

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soldiers would tear with their teeth in the act of loading. Being toothless, men were regarded as useless in time of battle. Some had their teeth extracted to escape military service.

While no specific data can be obtained as to the origin of dentistry, we know it was practised among the Egyptians at a very early age. Herodotus (500 B. C.), in writing of his travels through Egypt, at that time one of the greatest and most civilized countries in the world, mentions the division of medicine in that kingdom into special branches, and the existence of physicians, each of whom "applies himself to one disease only and not more. Some (physicians) are for the eyes, others for the head, others for the teeth, and others for internal disorders." It is thought that the Egyptians and Etruscans were farther advanced in the art of dentistry than any other people in that early period, for teeth filled with gold have been found in the mouths of mummies, indicating their advanced ideas. These people were the first to supply artificial substitutes in the mouth. Belzoni and others have found artificial teeth made of sycamore wood in ancient sarcophagi. The mode of fastening was by ligatures or bands of cord or gold wire, tying the substitute to its natural neighbors.

In 1885 some specimens of prehistoric dentistry were brought to this country by an English dentist of Liverpool. One was a gold plate with several human teeth attached. The specimens were found in an Etruscan tomb. The plate was ingeniously made, and I was surprised to see gold used for a base by such an ancient people. Archæological research may yet reveal things that will teach this generation. We modify, but must not flatter ourselves that we originate, all there is in dental art.

Ancient Greece is renowned as the "nursery of modern medicine." Hippocrates made a special study of the teeth. Aristotle (300 B. C.) also wrote extensively about them. Several Greek dental operators are mentioned as early as 300 B. C. Erasistratus is said to have deposited in the temple of the Delphian Apollo a leaden odontagoge, a tooth-drawer, to prove that "only those teeth ought to be removed which are loose, or relaxed, and for which a leaden instrument will suffice." Galen taught (150 A. D.) that the teeth were true bones, and declared that the canines should be called eye-teeth, because they received branches from that nerve which also supplies the eyes. Albacasis, an Arabian physician (about, 100 A. D.), gave rules for the replacement of lost teeth by substitutes, both natural and of animal bone or ivory.

These historic facts are mentioned that the reader may see that due importance was attached to the preservation of the teeth and the reconstruction of them, even in that remote period. During the mediæval period progress was made by men who gave special study to the teeth. During the seventh century many medical men in France and England published works on dentistry, but treated the subject anatomically and physiologically, rather than practically. No record can be found of anyone in America practising this specialty until the year 1766, although the population at that time was about two millions. In October of that year there arrived from England Mr. John Woofendale. This gentleman was (for that time) a regularly educated dentist, having been instructed by the dentist to George III. He remained here only two years, returning to England in 1768.* A few years later several dentists arrived here from France and England. Con-

* In the beginning of the century there were not more than 100 dentists in this country; in 1850, there were 2,925; in 1870, 7,839, and in 1892 about 20,000.

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siderable progress had been made in these two countries during the seventeenth century. Previous to the introduction of porcelain teeth (first used in France in 1774 and brought to this country in 1807) substitutes for teeth were made of ivory from the hippopotamus and elephant. Besides human teeth the teeth of such animals as sheep and calves were also used.

Mr. John Greenwood, a patriot in the American Army of the Revolution, adopted dentistry as a profession in 1788. He became celebrated as the dentist of General Washington, having made several sets of teeth for him, which for neatness of execution were unsurpassed by any of European workmanship. They were carved from blocks of ivory. All animal substances, when placed in the mouth, are liable to become corroded and offensive. The teeth used and the bases on which they were attached alike being liable to this, imagine the discomfort to those who had nothing better to wear!

Since the beginning of the present century the growth of dentistry has been rapid. The place it occupies among the professions is an index to the progressive development of the times. No vocation has made more rapid advances, and the most important of these have been made within the last twenty years. The product of inventive and scientific minds has been, and is, enlisted in its interests. Among its votaries are men of broad culture, whose investigations have done much to illuminate the scientific world. The province of the dentist to-day is not circumscribed. He should be prepared to exercise the special functions of an oral surgeon, and not simply to devote his attention to the care of the teeth. Mechanical skill is an indispensable requisite, but a prerequisite to his success is a knowledge which will enable him to treat the diseases to which the mouth is subject.

In our cities dentistry is divided into specialties, the operative dentist, devoting his time and attention to the natural teeth and to oral diseases, and the mechanical dentist supplying lost teeth with mineral substitutes and mechanical devices, while extracting is frequently a special branch. It may be interesting to the public to know that there are some thirty dental colleges in this country alone.

Many of the graduates go to all parts of the world; and scores of foreigners come here to receive their dental education. The reputation of the American dentist is world wide; he seems to excel in ingenuity and manipulative ability. Dental schools are a necessity. Our early practitioners were careful to keep their secrets—from five hundred to one thousand dollars being charged the student for the privilege of office instruction. Those desiring to enter the profession were obliged to get their instruction from the leading dentists, or enter it and trust to their ingenuity, and without a knowledge of it; but to-day instruction is imparted and methods fully explained; selfish and illiberal views are no longer tolerated. Educational facilities have broken down the barriers, and enable the student to enter upon a course of professional fame with every means of acquiring knowledge from the most experienced in the land.

To protect the public from the impositions of incompetent men, who made great pretensions to proficiency, most of the States have passed legislative enactments regulating the practice of dentistry within their own borders, thus protecting the people against charlatanism. Women are graduating from the dental colleges in increasing numbers, and many of them show marked aptitude as operators. They are about forming an independent dental association for women.

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Some idea may be had of the enormous demand for dental goods when we consider the number of large establishments that are in operation for the manufacture of dental mechanism and materials. One house alone has six branches, and about twelve hundred employees. While men's minds and hands are better trained than ever, dental mechanism has also been greatly perfected. Gold being the "lever that moves the world," it is also the recognized standard as a filling material for teeth. In the early days gold foil was obtained by rolling or beating coins into sheets. These were cut in pieces, torn off, and rolled between the fingers into various sizes.

Now we have gold prepared in over one hundred and fifty forms, differing in size, variety, thickness, and style. Some of these preparations are very delicate, and in the smallest size there are over 300,000 in a pound. They are ready for immediate introduction into any size cavity. Porcelain, from its color, is much in favor for front teeth.

The application of electricity is among the essentials of modern dentistry. An electric motor supplies the power where rotary motion is desired; an electro-magnetic mallet is used to condense gold; an electric mouth lamp for "illuminating" the mouth, and an electric cautery for various purposes. The mechanical appliances and the improvements in materials and methods make it possible to restore almost any mouth to healthfulness, comfort, utility and beauty. The skill of the artist is displayed to a high degree in the line of prosthetic dentistry. In the matter of naturalness teeth can be so approximated in color, shape, and size as to defy the possibility of detection. About forty millions of porcelain teeth are manufactured annually in the United States. Pure metals and minerals are used which are durable and cleanly.

Great attention is given to correcting irregularities in the teeth of growing children. A few years ago rubber bands and wooden wedges were extensively used for moving the teeth. They were exceedingly painful and annoying to the patient. The appliances for accomplishing this work are now made of gold and other metals, and the pressure being exerted by screws and springs, it is more gentle and less painful and not nearly as cumbersome.

Gentleness, patience, sympathy, cleanliness, kindness, and skill are the elements that make the successful dentist of to-day. It is gratifying to note that the advancement is not altogether along professional lines. The intelligence of the public and their appreciation of the necessity of preserving their teeth make the demand for extensive improvements and higher attainments imperative.

EDWARD H. RAYMOND, D. D. S.

DEATH AS A FACTOR IN PROGRESS

HUMANITY has a faculty for ignoring and abusing its benefactors which amounts almost to a genius. Scarcely an age can be mentioned which has not starved its Homer, poisoned its Socrates, banished its Aristides, stoned its Stephen, burned its Savonarola, or imprisoned its Galileo. Nor is this strange perversion of sentiment confined to its fellow mortals. The great, calm, stern, yet loving forces of Nature have constantly fallen under the same unjust stigma, and though we have outlived many early misconceptions or misrepresentations of most of these, a ghastly, repulsive, lying mask is still permitted to conceal the kindly, though stern features of

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Pallida Mors, albeit both religion and science are striving hard to tear it away. Let us endeavor to lift up a tiny corner long enough to catch a glimpse of what lies behind it.

I regard the prevailing conception of death as false in three important particulars: First, that it is in some way an enemy of, or opposed to, life; second, that it is a process of dissipation or degeneration involving and associated with a fearful waste of energy, time and material; third, that it is a harsh, painful ordeal, from which every fibre of organic being shrinks in terror.

I am aware that my first contention will seem like a flat contradiction in terms, but a few illustrations will probably make my meaning plainer. Let us take those earliest and lowest results of formative tendencies in matter, the crystals, "the flowers of the rocks" as Ruskin beautifully calls them. Here we have individual units which for beauty, variety and definiteness of form, brilliancy of color and purity of substance, stand absolutely unrivalled in all the higher walks of life. Watch them forming and see with what certainty atom seeks atom, here a diamond, there a cube, again a prism or a rosette, each substance having its own definite, peculiar shape, with an utter disregard of all alien materials in the mass. Mark how crystal seeks crystal and proceeds to weave its own warp and woof, in column, in truncated cone, in spire, in lace-like web of slender needles, each according to its kind. See how the advance columns of the various ingredients of the mass, cut through, ride over, or yield to one another, in regular social order of rank, dependent not upon bulk or hardness but upon purity of substance and organizing power, and suppress if you can the conviction that these organisms are alive. The only thing they lack is the inherent faculty of dying. Drown and dissolve them by fluid, fuse into shapeless masses by volcano heat, and on the very earliest opportunity they will promptly and surely resume their former shape and beauty. Gentler influences they defy. So long as they exist they are indestructible, and their life time is that of the everlasting hills. Here, if anywhere in the universe, is eternal life, in the popular sense of the term, but it were better named eternal death. Crystal life is a bar of adamant to progress. Beautiful in itself it is utterly barren, inhospitable, hopeless as regards future growth. It can neither grow itself nor assist anything else to grow, save in one way, by dying. The old earth shrinks a little in cooling, and our mass of crystals is suddenly elevated from cavernous depths to the top or side of one of those long wrinkles we call mountain ranges; the sun heats it and the rains pour upon it, the frosts gnaw at its edges, until at length its vitality becomes impaired and it succumbs to the elements. The whole structure crumbling into a shapeless mass of dull, damp, colorless, lifeless clay. Here, indeed, to all appearances is the desolation of death in all its hopeless repulsiveness. But wait a moment; here comes a tiny descendant of some crystal which has stumbled upon the faculty of dying and improved thereon unto the fifty-thousandth generation, a lichen spore, drifting along the surface of the rock. It glances forlornly off from the flinty faces of the living crystals, but finds a home and a welcome at once upon the moist surface of the clay. Filmy rootlets run downward, tiny buds shoot upward, the new life has begun. It ensnares the sunlight in its emerald mesh, entangles the life vapors of the air in its web, and grows and spreads until the valley of crystal death becomes transformed into a cushion of living green in the lap of the gaunt grey granite.

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But what as to further progress? The lichen is green and beautiful, but as an individual it can never develop into anything higher. Here again progress is absolutely barred by life and must call death to its aid. The lichen dies and its dust returns to the earth carrying with it the spoils of the sunlight, the air and dew to enrich the seed-bed. A hundred generations follow, each one leaving a legacy of fertility, until the soil becomes capable of sustaining a richer, stronger, higher order of plant life; whose rootlets push into every crevice and rend the solid rock; the living carpet spreads; grass, flower and shrub succeed one another in steady succession until the cold grey rocky trough is transformed into the lovely mountain glen with its myriad life. As the poet sings, the crystals have risen "on stepping-stones of their dead selves to nobler things," and of any link in the chain the inspired dictum would be equally true that "except it die it abideth alone."

But, says some one, this is all very true as to the surface of Mother Earth; but how about the deeper structures, her ribs and body bulk? Every layer of them was part of the surface at one time, and the more intimately death has entered into their composition, the more highly organized the corpses of which they are composed, and the more useful and important they are. Come back with me a few million years to the great tree-fern period, and gaze upon the matted jungle of frond and stem thirty to sixty feet in height which covers mile after mile of swamp. Here indeed is life in all its glory, yet it is a living shroud. No hum is there of insect life or twitter of birds that build their nests in the branches; for there is neither flower, berry nor seed to support the tiniest life. No animal can live on its stringy, indigestible fodder. The rank growth crushes out any possibility of nobler, more generous plant life. The old earth gives a tired sigh, her bosom heaves and sinks and the waters rush in and cover the jungle, drown it, crush it, bury it with silt, compress and mummify it, and it is numbered with the "has-beens," until one day man stumbles upon a fragment of its remains in the face of some sea-cliff, and coal, the food of the steam engine, the motive-power of latter-day commerce and civilization, is discovered. Alive, it was a worthless weed; dead, it becomes "black diamonds."

When we turn to the higher forms of being, the dependence of life upon precedent death is so self-evident as to have been formulated into a truism. That the grass must die that sheep may live and that sheep must die that man may live are facts as familiar as the multiplication table. If the command "Thou shalt not kill" were to be interpreted to extend to our animal cousins and our vegetable ancestors it might as well read at once "Thou shalt starve."

Now let us look for a few moments at the second prevailing misconception of death as a destroyer and waster. This is apparently supported by a vast array of facts, ranging from the tremendous loss of life among the eggs or young of the lower forms to the sudden cutting short of existences in which meet the labor and preparation of generations of the past and the hopes of the future. What is the use of being born only to die, of laboriously building up an organism or character, only to have it destroyed, annihilated, scattered like smoke?

To the first part of the question the answer almost suggests itself, viz., that this destruction is only apparent. Nothing is really lost at all. Merely the form is changed, and as it is necessary that life should be produced in great abundance in order to give Nature, figuratively speaking, a wide field for selection, some method becomes absolutely indispensable by which the

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elements of the unfit, incompetent, non-elect forms can be promptly returned to the great crucible of Nature, there to be available for use in new and approved patterns. So far from being a waster, death is the great economist of Nature, enabling her to conduct her most extensive experiments with a mere handful of material.

But, you will reply, this accounts only, so to speak, for the materials used. Are not the vantage ground so hardly won, the wonderful organizing power, the long years expended, utterly lost and hopelessly wasted? I answer, No, but rather secured thereby. They become an immutable part of the history of the race. The upward growth of the race is not an even, continuous line, but a series of ever-ascending, tiny curves, each the life of an individual, and the tiny shoot of the curve of the life that is to follow is given off from near our highest point.

Death is the great embalmer, the casket into which our loved ones are received in the very flower of their beauty and the glory of their strength. A sheaf of corn fully ripe is a beautiful, dignified, inspiring sight and memory, but it must be *reaped* to make it so, and not left on the stem to rot, and freeze.

And it should not be forgotten that so long as life lasts, not only is growth possible, but degeneration also; and that the further the zenith of power is passed, the more probable does the latter become. Nothing can imperil the good that a man has done, save his own later weakness, treason or folly; and when the mortal dart pierces him it transfixes him where he stands, and secures the vantage ground he has won. His function here is, as it were, a ratchet upon the notched wheel of human progress, to secure every inch gained as a starting point for the life to come.

But the crowning beauty and noblest impulse of the process is that it is intrinsically a burying of the old life to render possible and enrich the new. The parent form falls with all the scars, the weariness and grime of the conflict into the gentle lap of Mother Earth, in order that the new life may rise fresh, pure, triumphant. Old errors are buried, old failures forgotten, The race takes a fresh start every generation. We are all but drops in the grand stream of life which flows with ever widening sweep through all the ages.

We are immortal, if we but form a true sturdy link in the great chain of life. It is this unbroken continuity of life, ever rising to nobler levels from the ashes of apparent death, that is so beautifully typified by the Phœnix and similar traditions.

We should cheerfully pay the debt of Nature, proudly confident that she will be able to invest the capital to better advantage next time from the interest we have laboriously added to it. There need be no shrinking dread of the "pangs of dissolution," the "final agony;" for such things have no existence save in disordered imaginations. Ask any physician whose head is silvered o'er with gray, and he will tell you that while disease is often painful, death itself is gentle, painless, natural, like the fading of a flower or the falling of a leaf. It is literally true that "there is a time to die" as well as to live, and when that time comes the event becomes not only tolerable but, like all other natural processes, desirable; every fibre of our tired, worn-out being demands it. When death comes near enough, so that we can see the eyes behind the mask, his face is as welcome as that of his twin brother Sleep.

WOODS HUTCHINSON.

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IS LAND HELD OUT OF USE?

THOSE who advocate a single tax on land values as a remedy for that discontent which is assuming such an alarming aspect, argue that land and labor are factors of production, and, that, as much land within the margin of cultivation is not in use, and as many persons who are anxious to labor are unable to secure employment, this proves that land is held out of use. Yet a little reflection will show that this is at the most only presumptive evidence of the condition which they allege, and that it does not preclude the possibility of other factors intervening. In fact, the same argument could be used with equal force to prove that cabs are held out of use, and that many persons suffer and die in consequence. Many sick and weakly persons that now die would be restored to health if they were able to hire a cab and drive into the country, yet the selfish owners of cabs persist in charging prohibitory rates for their use.

When thus confronted single taxers retort that the amount of available land is limited, while cabs and horses may be multiplied *ad libitum*, and that community of interest causes landlords to extort exorbitant rents to corner land.

It may be remarked that they apparently overlook the fact that in order to corner any commodity, a practical monopoly must be secured—there must be a concert of action among all holders, competition being fatal. But there is not a scintilla more evidence to show that land is cornered than there is to show that cabs are cornered.

Driven from this position they fall back on the claim that the present system of taxing improvements is at the root of the matter, and that if the tax was placed on the naked land, improvement would be untrammeled. But this is simply equivalent to an arraignment of any system of taxation of products and may be applied to the license fees for cabs.

The fact is that the owners of land, while holding it at an exchange value based upon a prospective rent, are willing and anxious to rent it at what the Ricardian law dictates, and that is what would be aimed at in a sensible community in which the single tax was in operation, as that would put the land to the best use, and otherwise tenants would obtain an inequitable advantage. That, in order to accomplish this, land situated in and near growing communities may remain unoccupied for considerable periods will appear by the following consideration: Let it be assumed that a dwelling was erected on a lot which then rented at $100, and that the rent having subsequently increased to $500 the building was destroyed by fire. Now a little reflection will show that it might be a foolish venture to rebuild the dwelling.

If, as would probably be the case, there had been an increase in the rent owing to the more remunerative use to which adjoining lots are put, the question would arise whether it might not become impossible to burthen the tenant with the increased rent which might be expected in the near future; in other words, whether a dwelling was the best use to which the lot could be put, the fact being that a store, hotel or club-house would probably be the best. This being the case, the owner might wisely decide to wait until such an applicant appeared and then put up an improvement to suit him.

It is difficult to perceive how the appropriation of the rent in taxation would alter the conditions, for prospective tenants would apply the same reasoning if they were wise and the lot would have to await an occupant as

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at present. Even if it was offered at a rent of $400, to force it into use, yet sensible men would not erect a dwelling with the chance of being dispossessed by an effective bid of over $500 in a few years which would involve them in a loss.

The same reasoning may be applied to unoccupied land generally, and, while the judgment of landlords is not infallible, yet, in their competitive efforts to obtain the Ricardian rent, they are putting the land to the best use. It may be further remarked that when the land is within the margin for improvements the ultimate purchaser is an improver, and therefore the offer of land for sale is an effective effort to improve, the price being very generally enhanced by a prospective increase in rent; but there is no evidence whatever that free competition is less operative in determining the exchange value of land than that of shoes or other commodities.

While it is true that large gains are often realized in the exchange of land, it is also true that the other side of the account shows heavy losses, but the single taxers close their eyes to these as firmly as those who regard the cornering of wheat as a gigantic wrong close them to the sacrifices of the manipulators. It should be noted that nothing which has been said above denies the iniquity of the private appropriation of the rent. A careful study of the subject by the writer leads him to believe that the measure for removing the inequity of our social organization is to be found in quite a different direction.

WILLIAM B. COOPER.

SING-PO'S CHART.

THE Mandarin Sing-Po was equally renowned for his learning and beloved for his amiability. Besought by a great number of his humble neighbors to reveal to them the wonders of the world beyond the Foo-Noo-Shan, he ascended the loftiest peak of that majestic range, and there drew his famous Chart of the World. Within the limits of sight his chart was true, barring certain unimportant errors in proportion, due to his inability to reduce perspective to ground plan. For the rest, he drew from memory and hearsay, but chiefly from his prolific imagination. Around the circle of the known swept a great ocean, like that which zoned the shield of Achilles. In the remotest border of the blue tide were posted at regular intervals, like watchmen on Hwangtee's great wall, an array of little islands bearing the names England, France, Germany, Russia, America, etc.

The public exhibition of Sing-Po's chart vastly increased both his fame and his popularity, until at last a series of foreign wars brought with them the increased knowledge of the outer world, which has always been war's chief recompense for its cruel ravages, from the time of Abraham down to Lord Clyde.

> Then turned around the vulgar throng
> To seek for the fool who had told them wrong
> And fearful vengeance upon his head
> They would have wreaked—but he had fled—
> As other sages may some day flee,
> Where'er they be, who think they see
> The whole of heaven, and earth, and man
> In the little span that they can scan
> From a mountain peak of their Foo-Noo-Shan.

Did Sing-Po flee to America? Whether he did or not, his counterpart is

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here in many capacities. He preaches from the pulpit, he rants from the platform, he thunders in the editorial, he lectures in the professor's chair. On the stage of Boston Music Hall, a while ago, stood a man whose name is known on both sides of the Atlantic, whose unconsidered invectives and oracular discourses are sought by great syndicates and devoured by millions of eager readers. His subject was Evolution. He held up to scorn the great modern system of thought which has done more to emancipate the human mind from primordial ignorance and superstition than any other one agency. He kicked it about the stage as if it were a football. He poured upon it floods of abusive ridicule.

The rushing torrent of his eloquence was unobstructed by any but the most superficial knowledge of facts. Any youth who had studied the subject for one term at school must have wondered at the crass ignorance that was unblushingly poured forth into the ears of that great audience. The more puerile the arguments, the more sonorous the periods in which they were uttered and the more absurdly extravagant the gestures with which they were emphasized. The more intelligent of his hearers must have been reminded of the philosophy with which the doctrine of the earth's sphericity was first antagonized. "If the earth be round," urged the Sing-Pos of that day, "trees must grow downward on the other side; men must stand with their feet uppermost; and pray, what is to prevent the water from pouring downward into space?"

And yet that great Boston audience applauded! Whether in good faith or in derision, I cannot tell.

The number of those whose lifework is teaching is very large. Clergymen journalists, statesmen, artists, authors, are all teachers, and upon all alike rests the same great responsibility—to teach only that which is *true*. Next to the ignoble desire for notoriety, perhaps the greatest obstacle to the faithful discharge of this responsibility is the vast amount of material that is demanded from teachers of all classes. Think of the four to twenty or more big closely-printed pages of the daily paper, the thick monthly magazine, the thousands of volumes yearly issued from the press, the weekly discourses from the pulpit, the five or six hours a day in the schoolroom, and judge whether, on the whole, Error does not have a better chance for a hearing than Truth.

EDWARD P. JACKSON.

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